

Historic Houses Amendment Bill 2004

New South Wales

Explanatory note

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

Overview of Bill

The object of this Bill is to amend the *Historic Houses Act 1980* as follows:

(a) to more accurately reflect the role of the Historic Houses Trust (the **Trust**) in managing and maintaining not only houses of historical importance, but also various other buildings, structures and sites,

(b) to enable the Trust to carry out alterations and improvements to historic buildings or places in accordance with conservation plans approved by the Minister,

(c) 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 (instead of the Governor),

(d) to make other miscellaneous changes to the Act of a consequential or minor nature.

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 that gives 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 Trust) to reflect the role of the Trust in controlling, 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 amended (**Schedule 1 [1], [2], [6]–[12], [21] and [23]**).

Alterations to historic buildings and places

At present, the consent of the Minister is required for all alterations and other improvements to a historic building or place authorised by the Trust, 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, prepared by the Trust and approved by the Minister, 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 under the *National Parks and Wildlife Act 1974* (eg regional parks, historic sites).

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, one by the Minister administering the *Public Works Act 1912* and one by the Minister administering the *Heritage Act 1977*). The amendment also provides for at least one trustee to have knowledge or experience in history and for at least one trustee to have knowledge or experience in architecture.

At present, the approval of the Governor must be obtained before the Trust sells or otherwise disposes of real property, or other property acquired by gift, devise or bequest, if the property was 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 to sell or otherwise dispose of the property (rather than the approval of the Governor). 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 [13], [18] and [25] update references to legislation.

Schedule 1 [14], [19] and [22] repeal redundant provisions relating to the Trust's borrowing powers, its annual endowment and its annual reporting requirements.

Schedule 1 [20] amends a reference to "building".

Schedule 1 [24] and [26] 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.