

Passed by both Houses



New South Wales

Historic Houses Amendment Bill 2005

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*I certify that this PUBLIC BILL,
which originated in the LEGISLATIVE ASSEMBLY, has finally passed the
LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.*

*Clerk of the Legislative Assembly.
Legislative Assembly,
Sydney, , 2005*



New South Wales

Historic Houses Amendment Bill 2005

Act No , 2005

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

*I have examined this Bill, and find it to correspond in all respects with the Bill
as finally passed by both Houses.*

Chairman of Committees of the Legislative Assembly.

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Historic Houses Amendment Act 2005*.

2 Commencement

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

3 Amendment of Historic Houses Act 1980 No 94

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

Schedule 1 Amendments

(Section 3)

[1] Long title

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

[2] Section 4 Definitions and application of Act

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) acquired by the Trust under this Act, except for any building or land acquired under section 8 (1A) (a), or
- (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 under the *National Parks and Wildlife Act 1974*.

[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 knowledge or experience in history, and at least one trustee is to have knowledge or experience in architecture.

[5] Section 7

Omit the section. Insert instead:

7 Principal objects of Trust

The principal objects of the Trust are as follows:

- (a) to control, manage, maintain and conserve historic buildings or places, having regard to the historic, social and architectural interest and significance of those buildings and places,
- (b) to collect, manage, maintain and conserve objects and materials associated with, and of significance to, those buildings and places,

- (c) to research and interpret the significance of those buildings, places, objects and materials, having regard to their historic, social and architectural interest and value,
- (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, objects and materials that, in the opinion of the Trust, will:
 - (i) increase public knowledge and enjoyment of, and access to, those buildings, places, objects and materials, and
 - (ii) promote their place in the heritage of the 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, 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.
- (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 property

Omit the section.

[8] Section 8 Powers of Trust

Omit "houses or" from section 8 (1) (a).

Insert instead "buildings or places and other".

[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) and (e)–(h) and (1A) (a) and (b)

Omit "house" wherever occurring. Insert instead "building or place".

[12] Section 8 (1A) (c)

Omit section 8 (1A) (c) and (d). Insert instead:

- (c) undertake such investigation as may be necessary to ascertain the extent to which a building, structure or site may be suitable for control and management by the Trust.

[13] Section 8 (6)

Omit “*Stamp Duties Act 1920*”. Insert instead “*Duties Act 1997*”.

[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 carry out or authorise the carrying out of alterations and improvements to a historic building or place.
- (2) Such alterations and improvements may be carried out or authorised to be 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.
- (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).

[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

[18] Section 13 Officers and employees

Omit “*Public Sector Management Act 1988*”.

Insert instead “*Public Sector Employment and Management Act 2002*”.

[19] Part 4 Finance

Omit the Part.

[20] Section 20 Acquisition of certain real property

Omit “a building situated on the land” from section 20 (2).

Insert instead “the land (including any building, structure or works on the land)”.

[21] Section 20 (2)

Omit “house”. Insert instead “building or place”.

[22] Section 22 Annual report

Omit the section.

[23] Section 23 Regulations

Omit “house” from section 23 (1) (c). Insert instead “building or place”.

[24] Section 24

Insert after section 23:

24 Savings, transitional and other provisions

Schedule 2 has effect.

[25] Schedule 1 Provisions relating to trustees and procedure of the Trust

Omit clause 4. Insert instead:

4 Public Sector Employment and Management Act 2002 (Chapter 5 excepted) does not apply to trustee

The *Public Sector Employment and Management Act 2002* (Chapter 5 excepted) does not apply to or in respect of the appointment of a trustee and a trustee is not, in his or her capacity as a trustee, subject to that Act during his or her term of office.

[26] **Schedule 2**

Insert after Schedule 1:

Schedule 2 Savings, transitional and other provisions

(Section 24)

Part 1 Preliminary

1 Savings and transitional regulations

- (1) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of the following Acts:

Historic Houses Amendment Act 2005

- (2) Any such provision may, if the regulations so provide, take effect from the date of assent to the Act concerned or a later date.
- (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
 - (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.

Part 2 Provisions consequent on enactment of Historic Houses Amendment Act 2005

2 Existing trustees

The amendment to section 6 of this Act by the *Historic Houses Amendment Act 2005* 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.

3 Validation of things done by 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 2005*, had been in force when the thing was done is validated.