



New South Wales

# Governor General's Residence (Grant) Amendment Bill 2005

## Explanatory note

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

## Overview of Bill

The *Governor General's Residence (Grant) Act 1945* (the **Principal Act**) enabled the Crown to grant land at Kirribilli Point, North Sydney, to the Commonwealth of Australia for the purpose of the official residence of the Governor General of the Commonwealth in Sydney. The land was granted by the Crown in pursuance of the Act exclusively as and for the official residence of the Governor General and on condition that it be used solely for that purpose and no other purpose whatsoever. Under the Crown Grant, breach of this condition renders the land subject to forfeiture to the Crown.

The object of this Bill is to amend the Principal Act to enable the State and the Commonwealth to agree to variation of the terms of the Crown Grant to enable the Governor General to permit the use of the land, without risk of it being subject to forfeiture, for certain charitable, educational and other public purposes so long as it is primarily used for the purpose of being the Governor General's official residence in Sydney. The Bill also authorises the Registrar General to make such entries, cancellations and corrections to the register kept under the *Real Property Act 1900* and the relevant certificate of title and Crown Grant as may be advisable to give effect to the agreement.

## 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 to be appointed by proclamation.

**Clause 3** is a formal provision that gives effect to the amendments to the *Governor General's Residence (Grant) Act 1945* set out in Schedule 1.

## **Schedule 1      Amendments**

Schedule 1 contains the amendments described in the Overview above.

First print



New South Wales

# Governor General's Residence (Grant) Amendment Bill 2005

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New South Wales

# **Governor General's Residence (Grant) Amendment Bill 2005**

No. , 2005

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## **A Bill for**

An Act to amend the *Governor General's Residence (Grant) Act 1945* to enable the residence to be used for certain charitable, educational and other public purposes.

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<b>The Legislature of New South Wales enacts:</b>	1
<b>1 Name of Act</b>	2
This Act is the <i>Governor General's Residence (Grant) Amendment Act 2005</i> .	3 4
<b>2 Commencement</b>	5
This Act commences on a day to be appointed by proclamation.	6
<b>3 Amendment of Governor General's Residence (Grant) Act 1945 No 32</b>	7
The <i>Governor General's Residence (Grant) Act 1945</i> is amended as set out in Schedule 1.	8 9

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<b>Schedule 1</b>	<b>Amendments</b>	1	
	(Section 3)	2	
<b>[1]</b>	<b>Section 1A</b>	3	
	Insert after section 1:	4	
	<b>1A</b>	<b>Definitions</b>	5
	In this Act:	6	
	<i>Admiralty House Crown Grant</i> means the Crown Grant registered Volume 5913, Folio 167 that was authorised to be granted by section 3, as in force before the commencement of the <i>Governor General's Residence (Grant) Amendment Act 2005</i> .	7 8 9 10	
	<i>exclusive residence condition</i> means the condition inserted in the Admiralty House Crown Grant in pursuance of section 3 (2) (a) requiring the land comprised in the grant to be used "exclusively as and for the official residence in Sydney of Our Governor General of Our Commonwealth of Australia and for no other purpose whatsoever".	11 12 13 14 15 16	
<b>[2]</b>	<b>Section 5A</b>	17	
	Insert after section 5:	18	
	<b>5A</b>	<b>Variation of Admiralty House Crown Grant</b>	19
	The State and the Commonwealth may agree to vary the terms of the Admiralty House Crown Grant so as to omit the exclusive residence condition and replace it with the following conditions:	20 21 22	
	The land comprised in the Admiralty House Crown Grant is to be used primarily for the purpose of the Governor General's official residence in Sydney.	23 24 25	
	So long as the land is primarily so used, it is permitted, at the discretion of the Governor General, to be used from time to time for any charitable, educational or other public purpose, including (without limitation) the making of programs or material for dissemination to the public (such as the production of television or radio programs).	26 27 28 29 30 31	

<b>[3] Section 6 Power of Registrar General to alter register book</b>	1
Insert at the end of the section:	2
(2) Without limiting subsection (1), the Registrar General is authorised to make any such entry, cancellation or correction as may be advisable for the purpose of giving effect to an agreement under section 5A to permit the land comprised in the Admiralty House Crown Grant to be used for the agreed additional purposes instead of being used exclusively for the purpose set out in the exclusive residence condition.	3 4 5 6 7 8 9