

Historic Houses Amendment (Throsby Park Historic Site) Bill 2009

Explanatory note

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

Overview of Bill

The objects of this Bill are as follows:

- (a) to revoke the reservation of the Throsby Park Historic Site (the **Site**) under the *National Parks and Wildlife Act 1974* and to vest the Site (and all assets, rights and liabilities of the Crown relating to the Site) in the Historic Houses Trust of New South Wales (the **Trust**),
- (b) to ensure that the Trust cannot sell or exchange the whole or any part of the Site except as authorised by an Act of Parliament,
- (c) to provide that a lease or licence granted by the Trust must not have a term that exceeds 99 years (including any further term that may be granted under an option in respect of the lease or licence).

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.

Schedule 1 Amendment of Historic Houses Act 1980 No 94

Schedule 1 [1] inserts proposed section 22 into the *Historic Houses Act 1980* (the **principal Act**) to revoke the reservation of the land comprising the Site and to vest that land in the Trust. The land is vested in the Trust freed and discharged from all estates, interests and encumbrances (other than certain interests under the *Mining Act 1992* or the *Petroleum (Onshore) Act 1991*). On the vesting of the Site in the Trust, all assets, rights and liabilities of the Crown relating to the Site are transferred to the Trust. Proposed Schedule 1A applies to the transfer of those assets, rights and liabilities.

Schedule 1 [2] inserts proposed Schedule 1A into the principal Act which contains 6 clauses.

Proposed clause 1 of Schedule 1A inserts a number of definitions used in that Schedule and proposed section 22.

Proposed clause 2 of Schedule 1A makes savings and transitional arrangements consequent on the transfer of the Site to the Trust.

Proposed clause 3 of Schedule 1A makes it clear that the operation of the Schedule (including the commencement of proposed section 22) is not to be regarded as a breach of contract, as giving rise to any remedy by a party to an instrument or as an event of default under any contract or other instrument.

Proposed clause 4 of Schedule 1A provides that the Trust has no power to sell or exchange the whole or any part of the Site except as authorised by an Act of Parliament, but may lease or otherwise dispose of an interest (other than the fee simple) in the Site. A lease or licence granted by the Trust must not have a term that exceeds 99 years (including any further term that may be granted under an option in respect of the lease or licence).

Proposed clause 5 of Schedule 1A provides that duty under the *Duties Act 1997* is not chargeable in respect of the transfer of the Site to the Trust.

Proposed clause 6 of Schedule 1A provides for compensation to be paid to a person (other than the State or an authority of the State) if the person is divested of an interest in the Site by operation of proposed section 22.

Schedule 1 [3] permits the regulations to contain provisions of a savings or transitional nature consequent on the enactment of the proposed Act.