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ELIZABETH BAY HOUSE TRUST (REPEAL) BILL, 1980

EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

This Bill is cognate with the Historic Houses Bill, 1980.

The object of this Bill is to vest the property of the Elizabeth Bay House Trust in the Historic Houses Trust of New South Wales.

The Bill contains the following provisions:—

Clause 1. Short title.

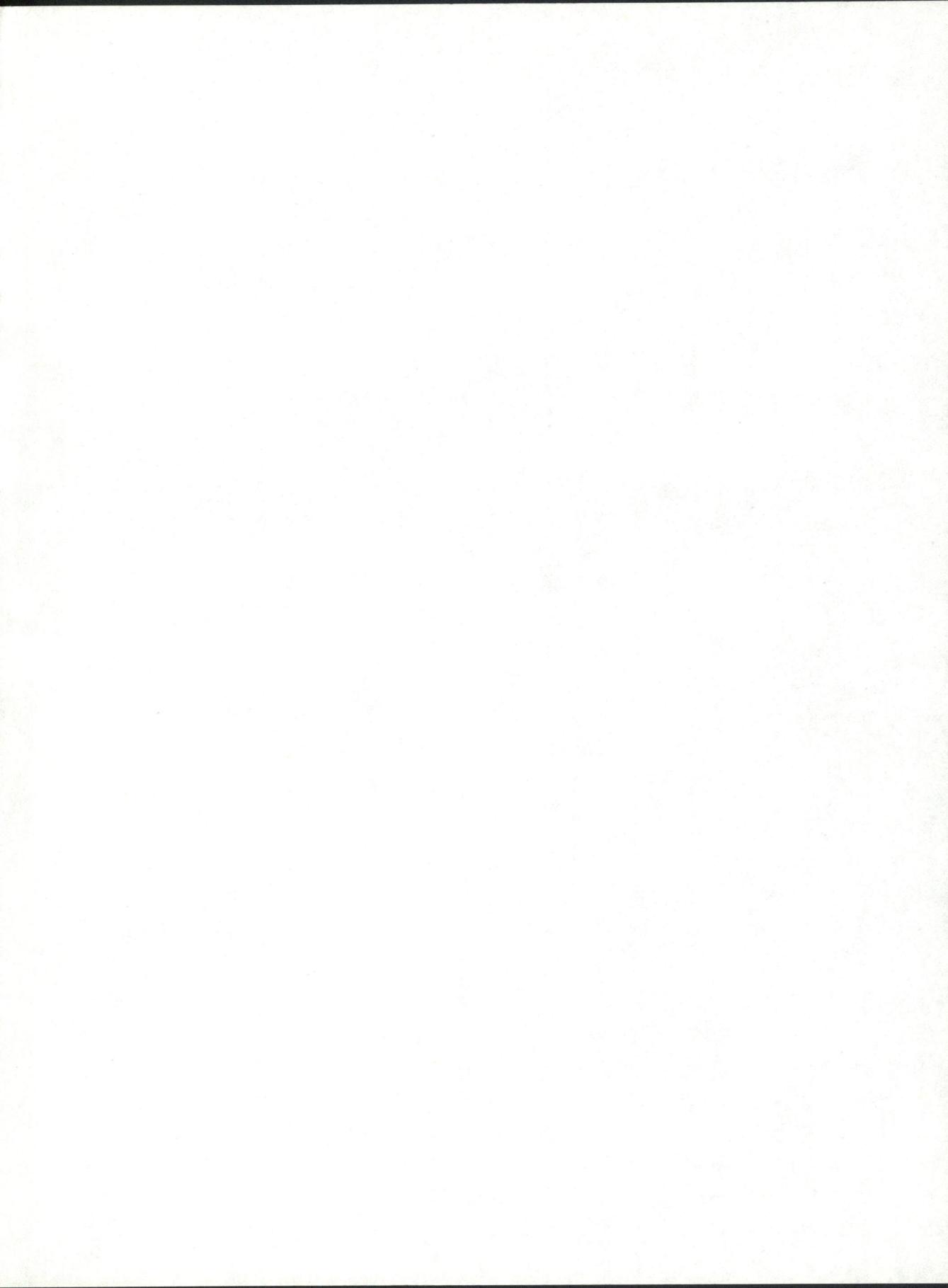
Clause 2. Commencement.

Clause 3. Interpretation.

Clause 4 repeals the Elizabeth Bay House Trust Act, 1977.

Clause 5 vests Elizabeth Bay House and the assets and liabilities of the Elizabeth Bay House Trust in the Historic Houses Trust of New South Wales.

Schedule 1 contains a description of the land on which Elizabeth Bay House is situated.



1980

ELIZABETH BAY HOUSE TRUST (REPEAL) BILL, 1980

No. , 1980.

A BILL FOR

An Act to repeal the Elizabeth Bay House Trust Act, 1977, and to vest the property of the Elizabeth Bay House Trust in the Historic Houses Trust of New South Wales.

[MR WRAN—19 *March*, 1980.]

Elizabeth Bay House Trust (Repeal).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

5 **1.** This Act may be cited as the “Elizabeth Bay House Trust (Repeal) Act, 1980”. Short title.

2. (1) This section and section 1 shall commence on the date of assent to this Act. Commencement.

 (2) Except as provided in subsection (1), this Act shall
10 commence on the day appointed and notified under section 2 (2) of the Historic Houses Act, 1980.

3. In this Act, except in so far as the context or subject-matter otherwise indicates or requires— Interpretation.

15 “appointed day” means the day appointed and notified under section 2 (2) of the Historic Houses Act, 1980;

 “dissolved Trust” means the Elizabeth Bay House Trust constituted by the Elizabeth Bay House Trust Act, 1977;

20 “Historic Houses Trust” means the Historic Houses Trust of New South Wales constituted by the Historic Houses Act, 1980;

 “real property” means the land described in Schedule 1.

4. The Elizabeth Bay House Trust Act, 1977, is repealed.

Repeal of
Act No.
109, 1977.

Elizabeth Bay House Trust (Repeal).

5. On and from the appointed day—

Transfer
of assets
and lia-
bilities.

- 5 (a) all real and personal property that, immediately before that day, was vested in or belonged to the dissolved Trust, and all right and interest therein, and all control and management thereof, are vested in the Historic Houses Trust;
- 10 (b) all money that, immediately before that day, was payable to, and all liquidated and unliquidated claims that, immediately before that day, were recoverable by, the dissolved Trust shall be money payable to, and liquidated and unliquidated claims recoverable by, the Historic Houses Trust;
- 15 (c) all proceedings commenced before that day by the dissolved Trust and pending immediately before that day shall be deemed to be proceedings by the Historic Houses Trust pending on that day and all proceedings so commenced by any person against the dissolved Trust and pending immediately before that day shall be deemed to be proceedings pending on that day by that person against the Historic Houses Trust;
- 20 (d) all contracts, agreements, arrangements and undertakings entered into with, and all securities given to or by, the dissolved Trust shall be deemed to be contracts, agreements, arrangements and undertakings entered into with, and securities given to or by, the Historic Houses Trust;
- 25 (e) the Historic Houses Trust may, in addition to pursuing any other remedies or exercising any other powers that may be available to it, pursue the remedies for the recovery of money and claims referred to in this section, and for the prosecution of proceedings so referred to, that would have been available to the dissolved Trust if this Act had not been enacted;
- 30 (f) the Historic Houses Trust may enforce and realise any security or charge existing immediately before that day in favour of the dissolved Trust and may exercise and
- 35

Elizabeth Bay House Trust (Repeal).

perform any powers, authorities, duties or functions thereby conferred or imposed on the dissolved Trust as if the security or charge were a security or charge in favour of the Historic Houses Trust;

- 5 (g) all money that, immediately before that day, was payable to, and all liquidated and unliquidated claims that, immediately before that day, were recoverable against, the dissolved Trust shall be money payable by, and liquidated and unliquidated claims recoverable against, the Historic Houses Trust;
- 10 (h) a reference in any other Act, or in any regulation, by-law or other statutory instrument or in any other document, whether of the same or of a different kind, to the dissolved Trust shall be construed as a reference to the Historic Houses Trust; and
- 15 (i) the person who, immediately before that day, held the office of Curator, Elizabeth Bay House, shall be deemed to have been appointed as Curator, Elizabeth Bay House, pursuant to section 13 of the Historic Houses Act, 1980.

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SCHEDULE 1.

Sec. 3.

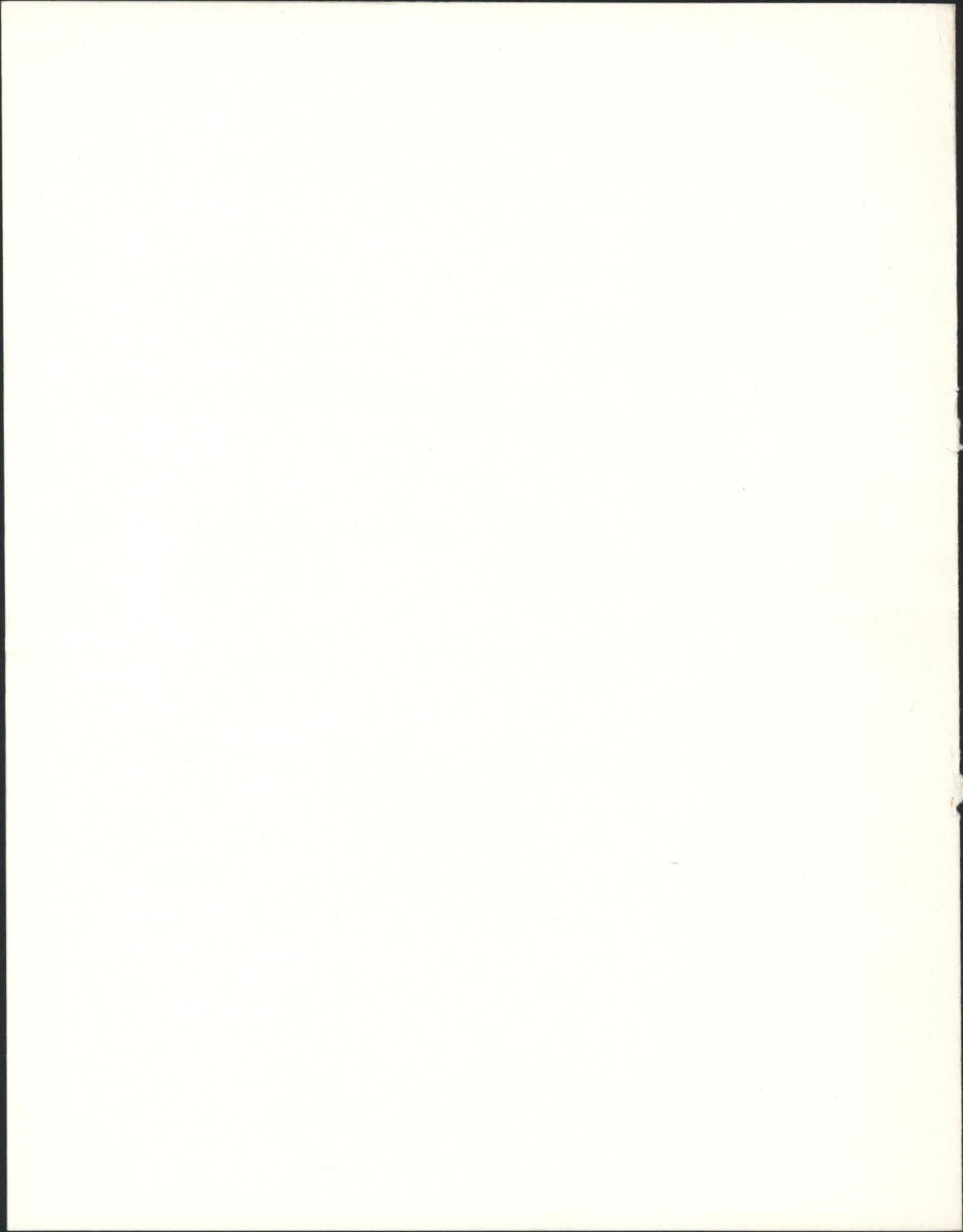
ELIZABETH BAY HOUSE.

So much of the land originally granted to Alexander Macleay by Crown Grant dated 19th October, 1831, as is described in certificate of title volume 5210 folio 183 and comprises lot 16 in deposited plan 15713.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1980
(10c)





**ELIZABETH BAY HOUSE TRUST (REPEAL)
ACT, 1980, No. 95**

New South Wales



ANNO VICESIMO NONO

ELIZABETHÆ II REGINÆ

Act No. 95, 1980.

An Act to repeal the Elizabeth Bay House Trust Act, 1977, and to vest the property of the Elizabeth Bay House Trust in the Historic Houses Trust of New South Wales. [Assented to, 1st May, 1980.]

Elizabeth Bay House Trust (Repeal).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

Short
title.

1. This Act may be cited as the "Elizabeth Bay House Trust (Repeal) Act, 1980".

Commence-
ment.

2. (1) This section and section 1 shall commence on the date of assent to this Act.

(2) Except as provided in subsection (1), this Act shall commence on the day appointed and notified under section 2 (2) of the Historic Houses Act, 1980.

Interpreta-
tion.

3. In this Act, except in so far as the context or subject-matter otherwise indicates or requires—

"appointed day" means the day appointed and notified under section 2 (2) of the Historic Houses Act, 1980;

"dissolved Trust" means the Elizabeth Bay House Trust constituted by the Elizabeth Bay House Trust Act, 1977;

"Historic Houses Trust" means the Historic Houses Trust of New South Wales constituted by the Historic Houses Act, 1980;

"real property" means the land described in Schedule 1.

Repeal of
Act No.
109, 1977.

4. The Elizabeth Bay House Trust Act, 1977, is repealed.

Elizabeth Bay House Trust (Repeal).

5. On and from the appointed day—

Transfer
of assets
and lia-
bilities.

- (a) all real and personal property that, immediately before that day, was vested in or belonged to the dissolved Trust, and all right and interest therein, and all control and management thereof, are vested in the Historic Houses Trust;
- (b) all money that, immediately before that day, was payable to, and all liquidated and unliquidated claims that, immediately before that day, were recoverable by, the dissolved Trust shall be money payable to, and liquidated and unliquidated claims recoverable by, the Historic Houses Trust;
- (c) all proceedings commenced before that day by the dissolved Trust and pending immediately before that day shall be deemed to be proceedings by the Historic Houses Trust pending on that day and all proceedings so commenced by any person against the dissolved Trust and pending immediately before that day shall be deemed to be proceedings pending on that day by that person against the Historic Houses Trust;
- (d) all contracts, agreements, arrangements and undertakings entered into with, and all securities given to or by, the dissolved Trust shall be deemed to be contracts, agreements, arrangements and undertakings entered into with, and securities given to or by, the Historic Houses Trust;
- (e) the Historic Houses Trust may, in addition to pursuing any other remedies or exercising any other powers that may be available to it, pursue the remedies for the recovery of money and claims referred to in this section, and for the prosecution of proceedings so referred to, that would have been available to the dissolved Trust if this Act had not been enacted;
- (f) the Historic Houses Trust may enforce and realise any security or charge existing immediately before that day in favour of the dissolved Trust and may exercise and

Elizabeth Bay House Trust (Repeal).

perform any powers, authorities, duties or functions thereby conferred or imposed on the dissolved Trust as if the security or charge were a security or charge in favour of the Historic Houses Trust;

- (g) all money that, immediately before that day, was payable to, and all liquidated and unliquidated claims that, immediately before that day, were recoverable against, the dissolved Trust shall be money payable by, and liquidated and unliquidated claims recoverable against, the Historic Houses Trust;
- (h) a reference in any other Act, or in any regulation, by-law or other statutory instrument or in any other document, whether of the same or of a different kind, to the dissolved Trust shall be construed as a reference to the Historic Houses Trust; and
- (i) the person who, immediately before that day, held the office of Curator, Elizabeth Bay House, shall be deemed to have been appointed as Curator, Elizabeth Bay House, pursuant to section 13 of the Historic Houses Act, 1980.

Sec. 3.

SCHEDULE 1.

ELIZABETH BAY HOUSE.

So much of the land originally granted to Alexander Macleay by Crown Grant dated 19th October, 1831, as is described in certificate of title volume 5210 folio 183 and comprises lot 16 in deposited plan 15713.

In the name and on behalf of Her Majesty I assent to this Act.

A. R. CUTLER,
Governor.

*Government House,
Sydney, 1st May, 1980.*

BY AUTHORITY