

## HERITAGE (ELIZABETH FARM) AMENDMENT BILL 1985

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### EXPLANATORY NOTE

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

The object of this Bill is to divest the Minister for Planning and Environment (who is constituted a corporation sole for the purposes of the Heritage Act 1977) of the property known as Elizabeth Farm and to vest that property in the Historic Houses Trust of New South Wales.

Clause 1 specifies the short title of the proposed Act.

Clause 2 specifies the Schedules to the proposed Act.

Clause 3 is a formal provision giving effect to Schedule 1.

Clause 4 vests Elizabeth Farm, together with furnishings, fittings and personal property appurtenant to it, in the Historic Houses Trust.

Clause 5 is a formal provision giving effect to Schedule 3.

Clause 6 validates the activities carried on by the Historic Houses Trust in relation to Elizabeth Farm before the date of assent to the proposed Act.

Schedule 1 repeals so much of the Heritage Act 1977 as vested Elizabeth Farm in the Minister for Planning and Environment as a corporation sole.

Schedule 2 is a description of the site of Elizabeth Farm sufficient for legal purposes.

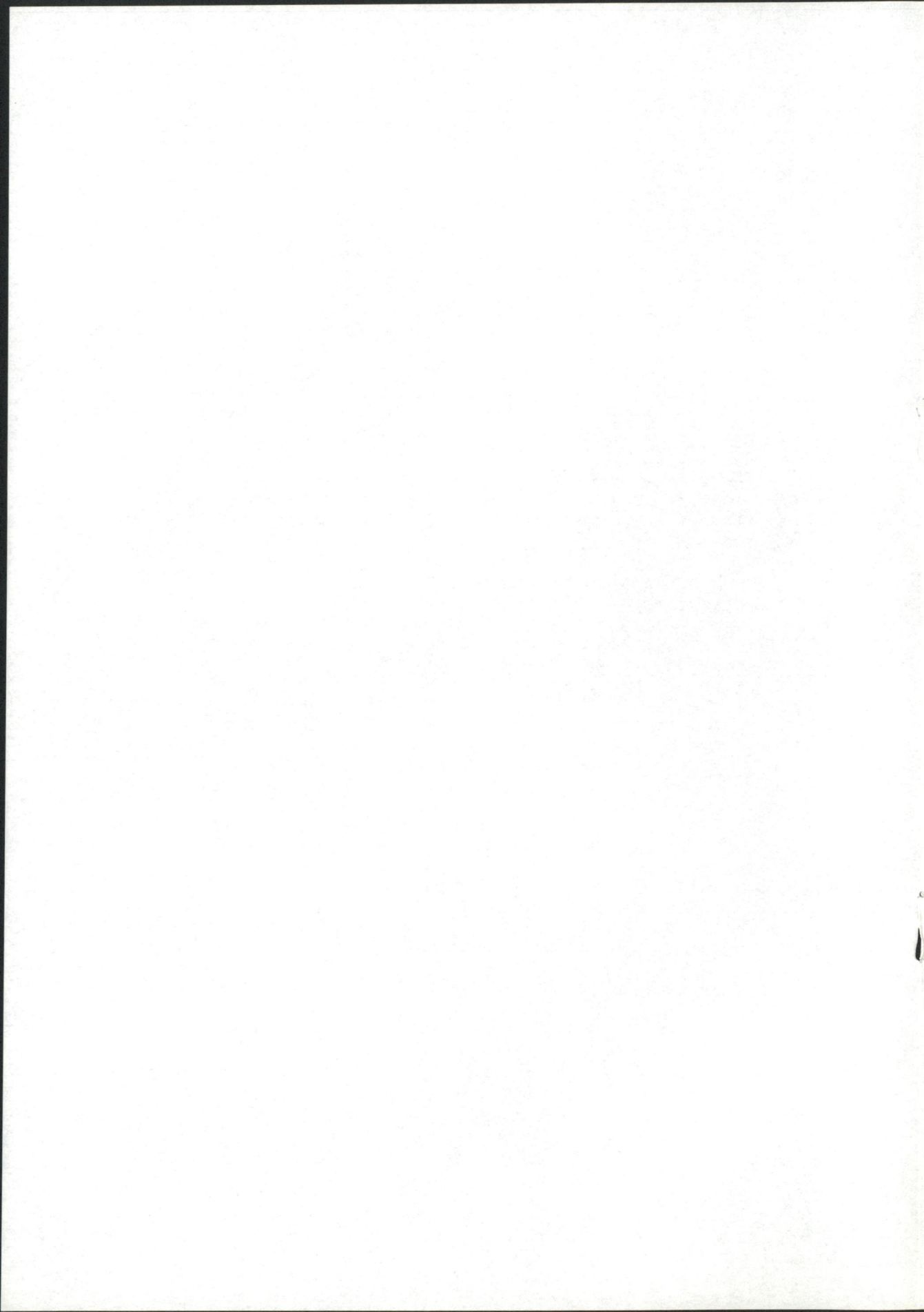
Schedule 3 contains the following provisions:

Clause 1 defines certain terms used in clauses 2 and 3.

Clause 2 saves the permanent conservation order deemed to have been made under the Heritage Act 1977 in respect of Elizabeth Farm.

Clause 3 provides generally for the transfer of legal rights and responsibilities in respect of Elizabeth Farm from the corporation sole to the Trust. An exception is made in relation to any loan raised by the corporation or any obligation undertaken by the corporation in connection with the restoration or conservation of the property.

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# HERITAGE (ELIZABETH FARM) AMENDMENT BILL 1985

No. ,1985

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## A BILL FOR

An Act to amend the Heritage Act 1977 to divest the corporation established under that Act of the property known as Elizabeth Farm; to vest that property in the Historic Houses Trust of New South Wales; and for other purposes.

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*Heritage (Elizabeth Farm) Amendment 1985*

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**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 Short title**

1. This Act may be cited as the "Heritage (Elizabeth Farm) Amendment Act 1985".

**Schedules**

2. This Act contains the following Schedules:

- 10 SCHEDULE 1—AMENDMENTS TO THE HERITAGE ACT 1977  
 SCHEDULE 2—ELIZABETH FARM  
 SCHEDULE 3—SAVING AND TRANSITIONAL PROVISIONS

**Amendment of Act No. 136, 1977**

15 3. The Heritage Act 1977 is amended in the manner set forth in Schedule 1.

**Ownership, management and control of Elizabeth Farm**

20 4. The land described in Schedule 2, together with any furnishings and fittings and appurtenant personal property which, immediately before the date of assent to this Act, were vested in the corporation constituted by section 102 of the Heritage Act 1977 in connection with the land, and all right and interest in that land and other property so vested, shall, on and from the date of assent to this Act, be vested in the Historic Houses Trust of New South Wales.

**Saving and transitional provisions**

25 5. Schedule 3 has effect.

**Validation**

30 6. Any invalid matter or thing done, before the date of assent to this Act, by the Historic Houses Trust of New South Wales, being a matter or thing that would have been valid if this Act had been in force at the time it was done, is validated.

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*Heritage (Elizabeth Farm) Amendment 1985*

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## SCHEDULE 1

(Sec.3)

## AMENDMENTS TO THE HERITAGE ACT 1977

(1) Section 169—

5                 Omit the section.

(2) Schedule 1—

Omit the Schedule.

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SCHEDULE 2

(Sec.4)

10                         ELIZABETH FARM

All that parcel of land situate in the City of Parramatta, Parish of St. John and County of Cumberland having an area of approximately 5,312 square metres, being the land comprised in Lot D in Deposited Plan 411727.

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## SCHEDULE 3

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(Sec.5)

## SAVING AND TRANSITIONAL PROVISIONS

**Interpretation**

1. In this Schedule—

20                 “corporation” means the corporation constituted by section 102 of the Heritage Act 1977;

“Elizabeth Farm” means all the real and personal property vested in the Trust by section 4;

“Trust” means the Historic Houses Trust of New South Wales.

**Saving**

25    2. (1) The permanent conservation order deemed, by clause 5 of Part 1 of Schedule 1 to the Heritage Act 1977, to have been made under that Act shall, notwithstanding the repeal of that clause, continue in force.

*Heritage (Elizabeth Farm) Amendment 1985*

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SCHEDULE 3—*continued*

SAVING AND TRANSITIONAL PROVISIONS—*continued*

(2) The order may be revoked in the manner provided by Division 2 of Part III of the Heritage Act 1977.

**Transitional provisions**

3. (1) On and from the date of assent to this Act—

- 5 (a) all contracts, agreements, arrangements and undertakings entered into with, and all securities given to or by, the corporation and in force immediately before that date shall, to the extent that they relate to Elizabeth Farm, be deemed to be contracts, agreements, arrangements and undertakings entered into with, and securities given to or by, the Trust;
- 10 (b) the Trust may enforce and realise any security or charge existing in favour of the corporation immediately before that date in so far as the security or charge relates to Elizabeth Farm and may exercise and perform any powers, authorities, duties and functions thereby conferred or imposed on the corporation as if the security or charge were a security or charge in favour of
- 15 the Trust; and
- (c) any condition subject to which the corporation acquired any property, right or interest referred to in section 4 by gift inter vivos or bequest shall be deemed to have been agreed to by the Trust under section 8 (3) of the Historic Houses Act 1980 as a condition upon which the property, right or interest was
- 20 acquired.

(2) Subclause (1) (a) does not operate to exonerate the corporation from, or impose upon the Trust, any liability for or in respect of—

- (a) the principal or interest repayable under any loan raised by the corporation for any purpose; or
- 25 (b) any obligation of the corporation at any time arising under any contract, arrangement, agreement or undertaking entered into by the corporation for or in connection with the restoration or conservation of Elizabeth Farm.

(3) Any dispute between the corporation and the Trust as to the operation of this clause shall be resolved by the Governor.

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**HERITAGE (ELIZABETH FARM) AMENDMENT ACT 1985 No. 144**

New South Wales



ANNO TRICESIMO QUARTO

**ELIZABETHÆ II REGINÆ**

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**Act No. 144, 1985**

An Act to amend the Heritage Act 1977 to divest the corporation established under that Act of the property known as Elizabeth Farm; to vest that property in the Historic Houses Trust of New South Wales; and for other purposes. [Assented to, 25th November, 1985.]

*Heritage (Elizabeth Farm) Amendment 1985*

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**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 "Heritage (Elizabeth Farm) Amendment Act 1985".

**Schedules**

2. This Act contains the following Schedules:

SCHEDULE 1—AMENDMENTS TO THE HERITAGE ACT 1977

SCHEDULE 2—ELIZABETH FARM

SCHEDULE 3—SAVING AND TRANSITIONAL PROVISIONS

**Amendment of Act No. 136, 1977**

3. The Heritage Act 1977 is amended in the manner set forth in Schedule 1.

**Ownership, management and control of Elizabeth Farm**

4. The land described in Schedule 2, together with any furnishings and fittings and appurtenant personal property which, immediately before the date of assent to this Act, were vested in the corporation constituted by section 102 of the Heritage Act 1977 in connection with the land, and all right and interest in that land and other property so vested, shall, on and from the date of assent to this Act, be vested in the Historic Houses Trust of New South Wales.

**Saving and transitional provisions**

5. Schedule 3 has effect.

**Validation**

6. Any invalid matter or thing done, before the date of assent to this Act, by the Historic Houses Trust of New South Wales, being a matter or thing that would have been valid if this Act had been in force at the time it was done, is validated.

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*Heritage (Elizabeth Farm) Amendment 1985*

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SCHEDULE 1

(Sec.3)

AMENDMENTS TO THE HERITAGE ACT 1977

- (1) Section 169—  
Omit the section.
- (2) Schedule 1—  
Omit the Schedule.

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SCHEDULE 2

(Sec.4)

ELIZABETH FARM

All that parcel of land situate in the City of Parramatta, Parish of St. John and County of Cumberland having an area of approximately 5,312 square metres, being the land comprised in Lot D in Deposited Plan 411727.

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SCHEDULE 3

(Sec.5)

SAVING AND TRANSITIONAL PROVISIONS

**Interpretation**

1. In this Schedule—  
“corporation” means the corporation constituted by section 102 of the Heritage Act 1977;  
“Elizabeth Farm” means all the real and personal property vested in the Trust by section 4;  
“Trust” means the Historic Houses Trust of New South Wales.

**Saving**

2. (1) The permanent conservation order deemed, by clause 5 of Part 1 of Schedule 1 to the Heritage Act 1977, to have been made under that Act shall, notwithstanding the repeal of that clause, continue in force.

*Heritage (Elizabeth Farm) Amendment 1985*

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SCHEDULE 3—*continued*

SAVING AND TRANSITIONAL PROVISIONS—*continued*

(2) The order may be revoked in the manner provided by Division 2 of Part III of the Heritage Act 1977.

**Transitional provisions**

3. (1) On and from the date of assent to this Act—
- (a) all contracts, agreements, arrangements and undertakings entered into with, and all securities given to or by, the corporation and in force immediately before that date shall, to the extent that they relate to Elizabeth Farm, be deemed to be contracts, agreements, arrangements and undertakings entered into with, and securities given to or by, the Trust;
  - (b) the Trust may enforce and realise any security or charge existing in favour of the corporation immediately before that date in so far as the security or charge relates to Elizabeth Farm and may exercise and perform any powers, authorities, duties and functions thereby conferred or imposed on the corporation as if the security or charge were a security or charge in favour of the Trust; and
  - (c) any condition subject to which the corporation acquired any property, right or interest referred to in section 4 by gift inter vivos or bequest shall be deemed to have been agreed to by the Trust under section 8 (3) of the Historic Houses Act 1980 as a condition upon which the property, right or interest was acquired.
- (2) Subclause (1) (a) does not operate to exonerate the corporation from, or impose upon the Trust, any liability for or in respect of—
- (a) the principal or interest repayable under any loan raised by the corporation for any purpose; or
  - (b) any obligation of the corporation at any time arising under any contract, arrangement, agreement or undertaking entered into by the corporation for or in connection with the restoration or conservation of Elizabeth Farm.
- (3) Any dispute between the corporation and the Trust as to the operation of this clause shall be resolved by the Governor.

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BY AUTHORITY