

HISTORIC HOUSES (AMENDMENT) BILL 1986

NEW SOUTH WALES



EXPLANATORY NOTE

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

The object of this Bill is to amend the Historic Houses Act 1980 with respect to the functions of the Historic Houses Trust of New South Wales constituted under that Act.

Clause 1 specifies the short title of the proposed Act.

Clause 2 is a formal provision that gives effect to the Schedule of amendments.

Clause 3 validates the exercise by the Trust, before the commencement of the proposed Act, of powers exercisable by the Trust under the Principal Act, as amended by the proposed Act.

Schedule 1 (1) amends the definition of "historic house" in section 4 (1) of the Principal Act in consequence of the amendment made by Schedule 1 (3).

Schedule 1 (2) amends section 7 of the Principal Act in consequence of the amendments made by Schedule 1 (3) and (4) (c) (in so far as those amendments enable the acquisition and conservation of buildings by the Trust).

Schedule 1 (3) inserts new sections 7A and 7B into the Principal Act. Section 7A empowers the Trust, with the approval of the Minister, to acquire (by purchase, lease or otherwise) buildings suitable to its purposes. (At present the Trust is empowered only to manage buildings vested in it by or under the provisions of an Act or donated to it by will or otherwise.) Section 7B provides for notification in the Gazette of the Trust's intention to manage an acquired property as a house museum.

Schedule 1 (4) amends section 8 of the Principal Act—

- (a) in consequence of the amendment made by Schedule 1 (3) (Schedule 1 (4) (a));
 - (b) to enable the Trust to acquire property for purposes other than exhibition in a historic house (Schedule 1 (4) (b));
 - (c) to enable the Trust—
 - (i) to acquire real property in certain cases otherwise than for management as house museums;
 - (ii) to carry out restoration work on historic houses;
 - (iii) to investigate the suitability of houses for acquisition by the Trust; and
 - (iv) to exercise, in relation to buildings in the process of acquisition by the Trust, the same powers as the Trust may exercise in relation to historic houses vested in or acquired by it,(Schedule 1 (4) (c)); and
 - (d) in consequence of the amendment made by Schedule 1 (3) (Schedule 1 (4) (d)).
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HISTORIC HOUSES (AMENDMENT) BILL 1986

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Amendment of Act No. 94, 1980
3. Validation

SCHEDULE 1—AMENDMENTS TO THE HISTORIC HOUSES ACT 1980

HISTORIC HOUSES (AMENDMENT) BILL 1986

NEW SOUTH WALES



No. , 1986

A BILL FOR

An Act to amend the Historic Houses Act 1980 with respect to the functions of the Historic Houses Trust of New South Wales.

Historic Houses (Amendment) 1986

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 "Historic Houses (Amendment) Act 1986".

Amendment of Act No. 94, 1980

2. The Historic Houses Act 1980 is amended in the manner set forth in
10 Schedule 1.

Validation

3. Any matter or thing done, before the date of assent to this Act, by the Historic Houses Trust of New South Wales, which would—

- (a) if this Act had been in force at the time it was done; and
 - 15 (b) if it had been done with any requisite approval or authorisation of the Minister,
- have been valid, is validated.

SCHEDULE 1

(Sec. 2)

20 **AMENDMENTS TO THE HISTORIC HOUSES ACT 1980**

(1) Section 4 (Interpretation)—

Section 4 (1), definition of "historic house"—

Omit the definition, insert instead:

"historic house" means a building—

- 25 (a) subject to a notice under section 7B; or
 - (b) vested in the Trust under section 20 or by or under the provisions of any Act,
- together with its appurtenant grounds;

*Historic Houses (Amendment) 1986*SCHEDULE 1—*continued*AMENDMENTS TO THE HISTORIC HOUSES ACT 1980—*continued*(2) Section 7 (**Principal objects of Trust**)—

Section 7 (a)—

Omit the paragraph, insert instead:

- 5 (a) to manage and maintain as house museums the buildings vested in or acquired (either as property of the Trust or otherwise) by the Trust, having regard to their historic and architectural interest, to conserve those buildings and to manage and maintain their appurtenant grounds; and

(3) Sections 7A, 7B—

10 After section 7, insert:

Acquisition of historic houses

- 15 7A. (1) If the Minister is satisfied that a building is suitable for control and management by the Trust as a house museum, the Minister may in writing authorise the acquisition (either as property of the Trust or otherwise) by the Trust of the building and its appurtenant grounds, if any.

(2) The Trust may purchase, lease or otherwise acquire the building and grounds in accordance with the Minister's authorisation.

20 **Notification of intention to manage property**

7B. The Trust shall cause notice of its intention to manage as a house museum any property acquired under section 7A, or acquired as referred to in section 8 (4), to be published in the Gazette.

25 (4) Section 8 (**Powers of Trust**)—

(a) Section 8 (1) (a)—

Omit "the property", insert instead "historic houses or property".

(b) Section 8 (1) (a)—

30 After "house", insert ", for restoration or maintenance or for any other purpose approved by the Minister".

*Historic Houses (Amendment) 1986*SCHEDULE 1—*continued*AMENDMENTS TO THE HISTORIC HOUSES ACT 1980—*continued*

(c) Section 8 (1A)—

After section 8 (1), insert:

(1A) In accordance with any general or special limitations imposed by the Minister, the Trust may—

- 5 (a) acquire (either as property of the Trust or otherwise) buildings and land for the purpose of providing office accommodation for the Trust and any of its officers or employees or residential accommodation for the caretaker of any historic house or for any other purpose reasonably
- 10 necessary or incidental to the exercise or performance by the Trust of its powers, authorities, duties and functions;
- (b) carry out works, or make arrangements for the carrying out of works, for the restoration of a historic house;
- 15 (c) undertake such investigation as may be necessary to ascertain the extent to which a building may be suitable for control and management by the Trust as a house museum; and
- 20 (d) exercise, in or in connection with a building whose acquisition has been authorised by the Minister under section 7A, any of the powers exercisable by the Trust under this section in or in connection with a historic house.

(d) Section 8 (2)—

Omit “all property vested in it”, insert instead “its property”.

HISTORIC HOUSES (AMENDMENT) ACT 1986 No. 126

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Amendment of Act No. 94, 1980
3. Validation

SCHEDULE 1—AMENDMENTS TO THE HISTORIC HOUSES ACT 1980

HISTORIC HOUSES (AMENDMENT) ACT 1986 No. 126

NEW SOUTH WALES



Act No. 126, 1986

An Act to amend the Historic Houses Act 1980 with respect to the functions of the Historic Houses Trust of New South Wales. [Assented to, 4 December 1986]

Historic Houses (Amendment) 1986

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 "Historic Houses (Amendment) Act 1986".

Amendment of Act No. 94, 1980

2. The Historic Houses Act 1980 is amended in the manner set forth in Schedule 1.

Validation

3. Any matter or thing done, before the date of assent to this Act, by the Historic Houses Trust of New South Wales, which would—

- (a) if this Act had been in force at the time it was done; and
- (b) if it had been done with any requisite approval or authorisation of the Minister,

have been valid, is validated.

SCHEDULE 1

(Sec. 2)

AMENDMENTS TO THE HISTORIC HOUSES ACT 1980**(1) Section 4 (Interpretation)—**

Section 4 (1), definition of "historic house"—

Omit the definition, insert instead:

"historic house" means a building—

- (a) subject to a notice under section 7B; or

Historic Houses (Amendment) 1986

SCHEDULE 1—*continued*

AMENDMENTS TO THE HISTORIC HOUSES ACT 1980—*continued*

- (b) vested in the Trust under section 20 or by or under the provisions of any Act,

together with its appurtenant grounds;

(2) Section 7 (**Principal objects of Trust**)—

Section 7 (a)—

Omit the paragraph, insert instead:

- (a) to manage and maintain as house museums the buildings vested in or acquired (either as property of the Trust or otherwise) by the Trust, having regard to their historic and architectural interest, to conserve those buildings and to manage and maintain their appurtenant grounds; and

(3) Sections 7A, 7B—

After section 7, insert:

Acquisition of historic houses

7A. (1) If the Minister is satisfied that a building is suitable for control and management by the Trust as a house museum, the Minister may in writing authorise the acquisition (either as property of the Trust or otherwise) by the Trust of the building and its appurtenant grounds, if any.

(2) The Trust may purchase, lease or otherwise acquire the building and grounds in accordance with the Minister's authorisation.

Notification of intention to manage property

7B. The Trust shall cause notice of its intention to manage as a house museum any property acquired under section 7A, or acquired as referred to in section 8 (4), to be published in the Gazette.

*Historic Houses (Amendment) 1986*SCHEDULE 1—*continued*AMENDMENTS TO THE HISTORIC HOUSES ACT 1980—*continued*(4) Section 8 (**Powers of Trust**)—

(a) Section 8 (1) (a)—

Omit “the property”, insert instead “historic houses or property”.

(b) Section 8 (1) (a)—

After “house”, insert “, for restoration or maintenance or for any other purpose approved by the Minister”.

(c) Section 8 (1A)—

After section 8 (1), insert:

(1A) In accordance with any general or special limitations imposed by the Minister, the Trust may—

- (a) acquire (either as property of the Trust or otherwise) buildings and land for the purpose of providing office accommodation for the Trust and any of its officers or employees or residential accommodation for the caretaker of any historic house or for any other purpose reasonably necessary or incidental to the exercise or performance by the Trust of its powers, authorities, duties and functions;
- (b) carry out works, or make arrangements for the carrying out of works, for the restoration of a historic house;
- (c) undertake such investigation as may be necessary to ascertain the extent to which a building may be suitable for control and management by the Trust as a house museum; and
- (d) exercise, in or in connection with a building whose acquisition has been authorised by the Minister under section 7A, any of the powers exercisable by the Trust under this section in or in connection with a historic house.

Historic Houses (Amendment) 1986

SCHEDULE 1—*continued*

AMENDMENTS TO THE HISTORIC HOUSES ACT 1980—*continued*

(d) Section 8 (2)—

Omit “all property vested in it”, insert instead “its property”.

