

House of Assembly—No 143

As received from the Legislative Council and read a first time, 24 July 2008

South Australia

Marble Hill (Protection) Bill 2008

A BILL FOR

An Act to provide for the preservation, management and use of Marble Hill; and for other purposes.

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The Parliament of South Australia enacts as follows:

1—Short title

This Act may be cited as the *Marble Hill (Protection) Act 2008*.

2—Interpretation

In this Act, unless the contrary intention appears—

5 ***Heritage Minister*** means the Minister to whom the administration of the *Heritage Places Act 1993* has been committed;

Marble Hill means the whole of the land within Pieces 102 and 103 in Deposited Plan 70336 and described in Crown Record Volume 5983 Folio 923;

Marble Hill building means, according to the context—

- 10 (a) a building located on any part of Marble Hill at the time of the enactment of this Act;
- (b) a building located on any part of Marble Hill that has been improved or restored (whether before or after the enactment of this Act).

3—Preservation of Marble Hill

15 (1) Marble Hill must be kept reasonably available as a community facility for the benefit of South Australians and visitors to the State.

(2) Subsection (1) does not prevent—

- (a) the improvement or restoration of any Marble Hill building; or
- 20 (b) the use of any part of Marble Hill (or Marble Hill building) for any of the following purposes (so long as the principle established in subsection (1) is maintained):
- (i) for functions or ceremonies;
 - (ii) for tourism purposes;
 - (iii) for educational purposes;

25 (iv) for festivals or special events;

 - (v) as a museum, gallery or other exhibition site;
 - (vi) for conferences, seminars or similar events;
 - (vii) for accommodation purposes;

(viii) for hospitality purposes;

(ix) for any other purpose approved by the Heritage Minister with the concurrence of the South Australian Heritage Council.

5 (3) The person in occupation of Marble Hill must ensure that Marble Hill is open to the public on at least 10 occasions, for at least 4 hours (between 9 am and 5 pm) on each occasion, in any calendar year.

4—State Heritage significance

Marble Hill must not be removed from the South Australian Heritage Register.

5—Heritage agreement

10 (1) After the commencement of this Act, an approved heritage agreement that relates to Marble Hill must be noted against the relevant instrument of title before the whole or any part of Marble Hill, or the whole or any part of an interest in Marble Hill, may be transferred.

15 (2) For the purposes of subsection (1), an approved heritage agreement is a heritage agreement under Part 6 of the *Heritage Places Act 1993* that has been authorised by a resolution of both Houses of Parliament.

(3) A heritage agreement entered into for the purposes of subsection (1) must not be—
(a) varied so as to provide for a significant variation; or
(b) terminated,

20 unless the variation or termination (as the case may be) has been authorised by a resolution of both Houses of Parliament.

(4) Notice of a motion for a resolution under this section must be given not less than 14 sitting days before the motion is passed.

6—Dealing with land

25 (1) Subject to compliance with the preceding sections, the whole or any part of Marble Hill, or the whole or any part of an interest in Marble Hill, may be leased or transferred.

(2) A person or body in occupation of any part of Marble Hill may exclude members of the public from a part of Marble Hill for any purpose related to—

30 (a) health or safety; or
(b) the preservation of any Marble Hill building; or
(c) any other matter relevant to the proper management, conservation or protection of Marble Hill or a Marble Hill building.

7—Endorsement on land record

35 The Registrar-General must endorse on any instrument or record of title or Crown holding for any part of Marble Hill a memorandum to the effect that Marble Hill is subject to the operation of this Act.