

House of Assembly—No 105

As laid on the Table and read a first time, 29 November 2023

South Australia

Ayers House Bill 2023

A BILL FOR

An Act to grant ongoing rights in relation to Ayers House to the National Trust of South Australia, to make related amendments to the *National Trust of South Australia Act 1955*, 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 *Ayers House Act 2023*.

2—Commencement

- 5 This Act comes into operation on a day to be fixed by proclamation.

3—Interpretation

In this Act—

Ayers House means the area of land comprised and described in Certificate of Title Volume 5927 Folio 883 and includes all buildings and structures on that land;

- 10 *National Trust* means the National Trust of South Australia as defined in the *National Trust of South Australia Act 1955*.

4—Objects

The objects of this Act are—

- 15 (a) to enable and guarantee the ongoing use of Ayers House by the National Trust (including its use for commercial operations to generate revenue for the National Trust); and
- (b) to transfer responsibility and liability for Ayers House to the National Trust; and
- (c) to provide for the ongoing care and management of Ayers House; and
- 20 (d) to provide for continued rights of public access to Ayers House.

5—Ayers House vested in Minister

- (1) Ayers House is vested in the Minister in an estate in fee simple.
- (2) No right or interest in Ayers House may be granted by the Minister unless—
 - (a) the National Trust consents to the granting of the right or interest; or
 - 5 (b) the Minister is satisfied, after consulting with the National Trust, that—
 - (i) the granting of the right or interest is not inconsistent with the objects of this Act; and
 - (ii) the National Trust are unreasonably withholding consent to the granting of the right or interest.
- 10 (3) Nothing in subsection (2) affects any vesting of land pursuant to a proclamation under the *Administrative Arrangements Act 1994*.
- (4) If the Minister grants any right or interest in Ayers House, the Minister must provide the Registrar-General with an instrument certifying that the requirements of
15 subsection (2) have been satisfied before the Registrar-General makes an entry in the Register Book in relation to the right or interest.
- (5) Despite this section, for the purposes of the *Heritage Places Act 1993* the National Trust is to be taken to be the owner of Ayers House.

6—Care, control and management vested in National Trust

- 20 (1) On the commencement of this section the care, control and management of Ayers House vests in the National Trust subject to the rights of public access and any other requirements set out in notices under subsection (3).
- (2) Subject to any requirements set out in notices under subsection (3), the National Trust may grant a lease or license in respect of Ayers House as if they were the owner of Ayers House.
- 25 (3) The Minister—
 - (a) must, by notice in the Gazette, specify rights of public access to Ayers House that must be provided by the National Trust; and
 - (b) may, with the agreement of the National Trust, by notice in the Gazette
30 specify requirements applying to the National Trust's care, control and management of Ayers House.
- (4) Requirements under this section may make provision in relation to any of the following:
 - (a) standards of care and maintenance of Ayers House;
 - (b) the grant of leases, licences or any other rights in respect of Ayers House;
 - 35 (c) any other matter agreed by the Minister and the National Trust.
- (5) A notice under this section may be amended or revoked by the Minister by further notice in the Gazette (provided that any amendment to or revocation of a notice under subsection (3)(b) may only be done with the agreement of the National Trust).

7—Liability

- (1) Despite any other Act or law, on and after the commencement of section 6—
- (a) the Crown is not and will not be liable for any claims arising in respect of Ayers House or any use of Ayers House; and
 - (b) the National Trust is liable for all claims in respect of Ayers House, or any use of Ayers House, as if they were the owner of Ayers House.
- (2) Any liability that the Crown would have had but for the operation of subsection (1)(a), that is not a liability of the National Trust pursuant to subsection (1)(b), is extinguished by force of this section.
- (3) A liability of the National Trust arising under subsection (1)(b) is in addition to any other liability the National Trust has in relation to Ayers House.
- (4) In this section—
- claim* includes any claim, demand, action, cause of action, proceedings, judgment, order, relief, remedy, right, entitlement, damage, loss, compensation, reimbursement, cost, expense or liability;
- Crown* includes a Minister, instrumentality or agency of the Crown.

8—Exemption from council rates

No council rates are payable under the *Local Government Act 1999* in respect of Ayers House or any lease, licence, right or interest granted in respect of Ayers House.

9—Regulations

The Governor may make such regulations as are contemplated by, or necessary or expedient for the purposes of, this Act.

Schedule 1—Related amendments and transitional provisions

Part 1—Amendment of *National Trust of South Australia Act 1955*

1—Amendment of section 5—Objects of Trust

- (1) Section 5(1)—after paragraph (d) insert:
- (e) the protection and heritage conservation of Ayers House (in accordance with any requirements under the *Ayers House Act 2023*).
- (2) Section 5—after subsection (1) insert:
- (2) In this section, *Ayers House* has the same meaning as in the *Ayers House Act 2023*.

Part 2—Transitional provisions

2—No change in use of land

(1) The resumption of use of Ayers House by the National Trust after the commencement of this Act and the carrying out of prescribed activities by the National Trust at Ayers House are taken not to constitute changes in the use of the land for the purposes of the *Planning, Development and Infrastructure Act 2016*.

(2) In this clause—

prescribed activities means any activities of a kind that have previously been undertaken by the National Trust at Ayers House.

3—Assignment of leases and licences to National Trust

On the commencement of this clause, any lease or licence with respect to Ayers House is assigned to the National Trust (as if the National Trust had granted the lease or licence).