

FACT SHEET

National Trust Preservation Fund (Winding-Up) Amendment Bill 2016

The purpose of this Bill is to amend the *National Trust Preservation Fund (Winding Up) Act 1999* to enable the Hobart City Council to release funds held in its Heritage Account.

Under this Act the Hobart City Council has funds to allocate to the conservation of heritage-listed places in the City of Hobart. Unfortunately, some of the provisions contained in the Act are outdated and no longer reflect the provisions built into Hobart's planning scheme.

This situation has essentially had the effect of freezing these funds, when there is a sizable number of heritage properties in the municipality listed in Hobart Interim Planning Scheme or entered on the Tasmanian Heritage Register that would benefit from access to them.

The Bill will enable these much needed funds to be released to these properties. It also includes a provision that ensures flexibility, so that additional amendments will not be required if similar changes are made to the planning scheme in future.

The Act has its genesis in a decision taken in the mid-1960s by the State Government, Hobart City Council, Launceston City Council and National Trust to set aside funds for the purpose of preserving and restoring historic buildings in Hobart and Launceston.

Money from the State Government and these two councils went into a Preservation Fund, but in 1968 the northern funds were used to purchase Staffordshire House in Launceston.

In the meantime, the Preservation Fund continued to be added to and a Deed of Trust was introduced to ensure the sound administration and governance of these funds. This was then replaced by the *National Trust Preservation Fund (Winding Up) Act 1999*.

The Act split the balance of funds held in the Preservation Fund, dividing it equally between the Hobart City Council and the Tasmanian Heritage Council. Each party received approximately \$1 million, which established the Hobart City Council's Heritage Account and the Tasmanian Heritage Council's inaugural Heritage Fund.

The Act required that these funds were to be used '*for the provision of financial or other assistance in relation to an entry in - a) the National Trust register kept by the National Trust of Australia (Tasmania); or b) the Tasmanian Heritage Register.*'

Since then a tiered system for recognising, protecting and managing places of local, State or Territory, National or World Heritage significance has been introduced. In addition, the National Trust has archived its former registers and classification lists in favour of local heritage listing by local government, and State heritage listing by the Tasmanian Heritage Council.

The focus of the Hobart City Council's historic heritage code is on a broader list of places than used to be listed by the National Trust, including more recent listings that were not listed by the Trust. This means that the provisions in the Act are outdated and the funds cannot be drawn upon and disseminated without having the Act amended.

These amendments will:

- Ensure the *National Trust Preservation Fund (Winding Up) Act 1999* remains current and fulfils its purpose;
- Remove reference to National Trust lists and focus the Act on places listed in the heritage provisions of the planning scheme;
- Remove reference to the National Trust from the Act as it is no longer an active party to this arrangement or legislation; and
- Preserve the capacity for places entered on the Tasmanian Heritage Register to continue to be able to access these funds.

While the amendments proposed are relatively minor, they have the capacity to make a difference to heritage property owners in Hobart who are keen to conserve their properties.