

Historic Buildings (Amendment) Bill 1982

NOTES ON CLAUSES

Clause 1 provides for the title of the Act and for the Act (except for section 3 which is deemed to come into operation on 1 June 1982) to come into operation on a day or days to be fixed by proclamation.

Clause 2 provides for the repeal of the Acts in the Schedule and provides a saving clause to give continuing status and effect to statutory requirements where necessary.

Clause 3 makes transitional provisions in relation to hearings commenced by the Classifications Sub-Committee or Council pursuant to the *Historic Buildings Act 1974*, but where there has been no recommendation made.

Clause 4 amends section 1 of the Principal Act in consequence of the substitution for sections 28, 29, 30, 31 and 32 by the new Division 1A—Register of Government Buildings, clauses 28–32B.

Clause 5 repeals the definition of “provisional register” in consequence of the repeal of section 15 and inserts definitions for “designated building”, “government building”, “public authority” and “register of government buildings” in consequence of the new sections 28–32B.

Clause 6 provides for three additional members of the Council, a nominee of the Minister, an architectural historian, and a representative of the Victorian Public Service Association.

Clause 7 amends sections 5 and 7 of the Principal Act in consequence of the increase in membership of the Council.

Clause 8 amends section 9 (1) of the Principal Act to clarify that the Council is to recommend to the Minister buildings of architectural or historic importance to be added to the Register. The functions of the Council are expanded to include those in relation to Government buildings.

Clause 9: Section 9 (2) of the Principal Act is substituted and expanded to enable the Council of its own motion to prepare reports and recommendations in relation to any matter referred to in clause 8 or 8B of the Third Schedule to the Town and Country Planning Act.

Clause 10 amends section 11 of the Principal Act to exclude delegation by the Council of its powers relating to interim preservation orders.

Clause 11: Consequentially amends section 14 of the Principal Act.

Clause 12 repeals section 15 of the Principal Act which relates to the provisional register.

Clause 13 amends section 16 of the Principal Act in consequence of the repeal of section 15.

Clause 14 amends section 17 of the Principal Act in consequence of the repeal of section 15.

Clause 15 amends sub-section 18 (1) to provide that any person may apply to the Council to make an examination whether a building should be added to or removed from the Register and consequentially repeals sub-sections (4) and (5). It also repeals sub-sections (3) and (10) in consequence of the repeal of section 15.

A new sub-section (7) is substituted to clarify that in making an examination the Council is to consider only whether the building is of architectural or historic importance and sub-section (8) is consequentially amended.

Clause 16 repeals sub-sections 21 (2) and (3) of the Principal Act relating to submissions in response to a notice of a Council recommendation published in the *Government Gazette*.

Clause 17 repeals sections 22, 23, 24 and 25 of the Principal Act which relate to submissions made by owners in relation to recommendations of the Council under section 18 and inquiries held by the Chief Chairman of the Planning Appeals Board into such submissions.

Clause 18 substitutes a new sub-section 26 (11) of the Principal Act providing for the determination of applications for permits in respect to alterations to registered buildings or registered land being a church or land within the precinct of a church.

Sub-section 26 (9) is repealed in consequence of the repeal of sections 28, 29, 30, 31 and 32.

Clause 19 repeals section 27 (6) which deems the Council to have granted a permit if the Council does not notify the applicant of its decision within the prescribed time.

Clause 20 substitutes new clauses 28–32B relating to Government buildings for the existing sections 28, 29, 30, 31 and 32 relating to submissions by applicants dissatisfied with a decision of the Council with respect to permit applications and reports by the Chief Chairman of the Planning Appeals Board to the Minister with respect to such submissions.

The substituted sections provide for a register of Government buildings (section 28), for the Governor in Council to determine any question which arises whether a building is or is not a Government building (section 29), for reports by the Council to the Minister on Government buildings including the Council's opinion as to certain matters (section 30), requirements for notice to be given to the Minister and the Council of any proposal to demolish remove or alter a designated Government building, for the Minister to receive a report from the Council and for the relevant Minister or other person or body to consult with the

Minister (section 31), for the Governor in Council to determine the matter where there is failure to agree after consultation (section 32), for authorization in respect of buildings under the care management or control of the Minister (section 32A), and for the Minister to request the Council to make an examination of a building which has been on the register of historic buildings and subsequently becomes a Government building and is deemed to be removed from the register of historic buildings (section 32B).

The clause also contains a transitional provision in relation to the initial register of Government buildings.

Clause 21 amends section 40 (2) of the Principal Act to remove the requirement for the Council to obtain the consent of the Minister before it may serve an interim preservation order. Also enables the Chairman of the Council to serve an interim preservation order which shall cease to have any force or effect fourteen days after service unless the Council confirms the order.

Clause 22 amends section 57 (1) of the Principal Act in consequence of the repeal of section 15.

Clause 23 amends section 62 (2) of the Principal Act in consequence of the repeal of section 15 relating to the provisional register and includes provisions for the register of Government buildings in relation to the Council's Annual Report.

Clause 24 amends section 63 (1) of the Principal Act to delete reference to the provisional register and substitute reference to the register of Government buildings in relation to the making of the Regulations.

Clause 25 saves the operation of the reconstituted Council.

