

# Sir Henry Parkes National (War) Memorial Museum and Library Act 1957 No 47

[1957-47]



New South Wales

## Status Information

### Currency of version

Repealed version for 28 November 1957 to 5 July 2012 (accessed 31 December 2024 at 4:36)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Notes—

- **Repeal**

The Act was repealed by Sch 5 to the [Statute Law \(Miscellaneous Provisions\) Act 2012 No 42](#) with effect from 6.7.2012.

### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 6 July 2012

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# Sir Henry Parkes National (War) Memorial Museum and Library Act 1957 No 47



New South Wales

An Act to provide for the vesting in The National Trust of Australia (New South Wales) of certain lands and other property vested in the trustees of the Tenterfield School of Arts; to define the powers, authorities, duties and functions of The National Trust of Australia (New South Wales) in respect of the same; to empower the Trustees of the Sir Henry Parkes War Memorial Appeal to transfer to The National Trust of Australia (New South Wales) the moneys subscribed to the said Appeal; and for purposes connected therewith.

## Preamble

WHEREAS by means of divers public subscriptions and appeals certain sums of money have from time to time been raised for the purpose of the Sir Henry Parkes War Memorial Appeal; And whereas it is the intention of the Committee of the Sir Henry Parkes War Memorial Appeal to apply the money hereinbefore mentioned towards the establishment of a Sir Henry Parkes National (War) Memorial Museum and Library in the Tenterfield School of Arts under the control of The National Trust of Australia (New South Wales); And whereas the Trustees and members of the Tenterfield School of Arts have by two meetings convened by advertisements in a newspaper circulating in the district, expressed their approval of the transfer of the Tenterfield School of Arts to The National Trust of Australia (New South Wales); And whereas The National Trust of Australia (New South Wales) has by resolution expressed a desire and willingness to receive control and maintain the Tenterfield School of Arts as a community centre, museum and library as a memorial to the late Sir Henry Parkes; And whereas it is expedient to define the purposes for which the Tenterfield School of Arts may be used:

BE it therefore 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:

## 1 Name of Act

This Act may be cited as the *Sir Henry Parkes National (War) Memorial Museum and Library Act 1957*.

## 2 Definitions

In this Act unless the context or subject matter otherwise indicates or requires:

**National Trust** means The National Trust of Australia (New South Wales), a company incorporated under the *Companies Act 1936*, as amended by subsequent Acts.

**The trust property** means the property and assets set out in the Schedule to this Act and includes any property, money or assets acquired or to be acquired by the National Trust in pursuance of this Act in addition to or in substitution therefor.

## 3 Vesting of trust property

The trust property referred to in the Schedule to this Act is hereby transferred to and vested in the National Trust subject nevertheless to any mortgage, charge or lien affecting the same.

## 4 The Sir Henry Parkes War Memorial Appeal

- (1) The Trustees of the Sir Henry Parkes War Memorial Appeal are hereby authorised and empowered to transfer to the National Trust the whole of the moneys subscribed to the said Appeal.
- (2) The National Trust shall apply the moneys so transferred to the following purposes:
  - (a) the renovation and maintenance of the Tenterfield School of Arts as a national memorial to the late Sir Henry Parkes,
  - (b) the establishment within the Tenterfield School of Arts of a museum and library containing a collection of documents, pictures, letters and books and other articles associated with the late Sir Henry Parkes and his contemporaries,
  - (c) the appointment of a curator to take over, safeguard and enlarge the said collection and to assist students in connection with matters appertaining to, and encourage visits to, the memorial.

## 5 Use of trust property

The National Trust shall operate, control, manage, maintain, develop and expand the trust property for the purposes of a community centre, museum and library as a national memorial to the late Sir Henry Parkes:

- (a) in accordance with the objects of the National Trust,
- (b) to the extent of the income and assets of the trust property and of any property, money or assets acquired or to be acquired after the commencement of this Act by the National Trust for purposes connected with the said memorial, and
- (c) so far as is practicable, consistent with the purposes for which the trust property was

used immediately before the commencement of this Act.

## **6 Sale of trust property**

- (1) The National Trust shall not, without the consent of the Governor, sell, mortgage or otherwise dispose of the trust property, or any part of the trust property, referred to in paragraph (a) of the Schedule to this Act.
- (2) The National Trust may sell, mortgage or otherwise dispose of:
  - (a) any of the assets referred to in paragraph (b) of the Schedule to this Act, and
  - (b) any property or assets acquired or to be acquired after the commencement of this Act by the National Trust for purposes connected with the national memorial to the late Sir Henry Parkes,

and if the National Trust think fit purchase or otherwise acquire other property or assets in substitution therefor.

No sale, mortgage or disposal shall be made under this subsection:

- (i) unless the property or assets so sold, mortgaged or disposed of are not required for or in connection with the operation, control, management, maintenance, development and expansion of the national memorial to the late Sir Henry Parkes, and
- (ii) in the case of real property without the consent of the Governor.

## **7 Appointment of Management Committee**

The National Trust may appoint a Management Committee which, subject to the direction and control of the National Trust and any by-laws made by the National Trust, shall for and on behalf of the National Trust have the operation, control, management, maintenance, development and expansion of the national memorial to the late Sir Henry Parkes.

## **8 Power to repair etc**

The National Trust shall have power to build on any vacant land forming part of the trust property and may repair, alter, add to, pull down, rebuild or renew any buildings or structures in or upon any land forming part of the trust property and for such purposes may use any moneys under its control and which may be applied for purposes connected with the national memorial to the late Sir Henry Parkes.

## **9 Power to insure**

- (1) The National Trust may insure against loss or damage, whether by fire or otherwise, any insurable property forming part of the trust property or granted on loan to the National Trust for purposes connected with the trust property and against any risk or liability against which it would be prudent for a person to insure if he were acting for

himself.

- (2) The insurance may be for any amount, provided that, together with the amount of any insurance already on foot, the total shall not exceed the insurable value or liability.
- (3) The premiums may be paid by the National Trust out of the income derived from the trust property.

#### **10 Application of insurance money**

- (1) The National Trust may, out of the moneys receivable in respect of any insurance policy, rebuild, reinstate, replace or repair any property lost or damaged.
- (2) Any moneys receivable in respect of any insurance policy not so expended shall form part of the trust property and be held by the National Trust accordingly.

#### **11 Power to receive donations etc**

The National Trust may receive moneys and other assets real or personal by way of collections, gifts, bequests or devises for the purposes of this Act and upon the receipt by the National Trust of any such moneys or other assets the same shall form part of the trust property and be held by the National Trust accordingly.

#### **12 By-laws**

- (1) The National Trust may make by-laws, not inconsistent with this Act, for and with respect to:
  - (a) the care, control and management of the trust property,
  - (b) the constitution of a Management Committee,
  - (c) the meetings of the Management Committee and the proceedings thereat,
  - (d) the appointment of an executive and other officers of the Management Committee,
  - (e) the co-opting of persons as members of the Management Committee and the appointment of sub-committees of the Management Committee,
  - (f) the powers, authorities, duties and functions of the Management Committee, officers thereof, persons co-opted as members thereof and sub-committees thereof.
- (2) A printed copy of any such by-laws signed by the National Trust and certified by it as being correct shall be received in all courts of law or equity as conclusive evidence of such by-laws and of the same having been duly made under the authority of this Act.

### **13 Receipt of secretary etc sufficient discharge to the National Trust**

Whenever any moneys are paid by the National Trust under or by virtue of this Act to any body, corporation or institution the receipt of the secretary or treasurer for the time being of such body, corporation or institution shall be a sufficient discharge to the National Trust which shall not be bound to enquire or see to the application thereof.

### **14 Preservation of rights**

Nothing in this Act contained or that may be done under this Act shall be deemed prejudicially to affect or deprive any person of any right whatsoever which immediately before the commencement of this Act he had arising out of contract or tort or otherwise and any such right which may immediately before such commencement have been enforceable against the then Trustees of the Tenterfield School of Arts may to the extent of the trust property vested in the National Trust under section three of this Act be enforced against the National Trust.

### **15 Vesting of rights**

Any rights, including choses in action, arising out of contract, tort or otherwise in any wise relating to the trust property vested in the National Trust under section three of this Act which were immediately before the commencement of this Act vested in the then Trustees of the Tenterfield School of Arts are hereby vested in the National Trust and may be exercised by the National Trust.

## **Schedule**

(Section 3)

- (a) All that piece or parcel of land comprised in Certificate of Title Volume 5533, Folio 23, situated in the Municipality of Tenterfield, and County of Clive, containing one rood, thirty-three and three-quarter perches, or thereabouts, being Lots 1 and 10 in the DP No 18800 and being part of Allotment 9, Section 11, originally granted to Thomas Connelly by Crown Grant dated 25th day of January, 1859, and also part of Allotment 10 of Section 11 originally granted to Edward Irby, Charles Alfred Lee, William Basset Christian, Edward Reeves Whereat and Thomas Peberdy by Crown Grant dated the 10th day of August, 1874, Volume 459, Folio 204, upon which land is erected the building known as the Tenterfield School of Arts.
- (b) All the furniture and fittings belonging to the Trustees of the Tenterfield School of Arts and installed in the said Tenterfield School of Arts and all other assets of any kind whatsoever including books, pictures and works of art held by the said Trustees.