

**PORT ARTHUR HISTORIC SITE MANAGEMENT AUTHORITY
AMENDMENT ACT 1989**

No. 5 of 1989

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**PORT ARTHUR HISTORIC SITE MANAGEMENT
AUTHORITY AMENDMENT ACT 1989**

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No. 5 of 1989
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**AN ACT to amend the Port Arthur Historic Site Management
Authority Act 1987.**

[Royal Assent 18 April 1989]

BE it enacted by His Excellency the Governor of Tasmania,
by and with the advice and consent of the Legislative
Council and House of Assembly, in Parliament assembled, as
follows:—

1—This Act may be cited as the *Port Arthur Historic Site* Short title.
Management Authority Amendment Act 1989.

2—This Act shall be deemed to have commenced on 1st Commencement.
October 1987.

3—In this Act, the *Port Arthur Historic Site Management* Principal Act.
*Authority Act 1987** is referred to as the Principal Act.

* Act No. 61 of 1987.

Amendment of section 3 of Principal Act (Interpretation).

4—Section 3 of the Principal Act is amended by inserting after the definition of “functions” in subsection (1) the following definition:—

“the Fund” means the Port Arthur Historic Site Management Fund established by section 21A;

Insertion in Principal Act of new section 3A.

5—After section 3 of the Principal Act, the following section is inserted in Part I:—

Designation of historic site and adjacent area.

3A—The historic site and the adjacent area may be respectively referred to, for all purposes, as—

(a) the Port Arthur Historic Site; and

(b) the Port Arthur Historic Site Adjacent Area.

Amendment of section 4 of Principal Act (Constitution of Authority).

6—Section 4 of the Principal Act is amended by inserting after “may” (first occurring) in paragraph (d) of subsection (2) “, on behalf of the State,”.

Amendment of section 7 of Principal Act (Functions of Authority).

7—Section 7 of the Principal Act is amended by omitting from paragraph (g) of subsection (2) “a viable commercial enterprise” and substituting “commercially viable”.

Amendment of section 8 of Principal Act (Powers of Authority).

8—Section 8 of the Principal Act is amended by inserting after “may” (first occurring) “, on behalf of the State”.

Substitution of heading to Part IV of Principal Act and insertion of new section 21A.

9—The heading to Part IV of the Principal Act is repealed and the following heading and section are substituted:—

PART IV

FINANCIAL

Port Arthur Historic Site Management Fund.

21A—(1) There is hereby established a fund to be known as the Port Arthur Historic Site Management Fund, which shall consist of—

(a) any money appropriated by Parliament for the purposes of the Authority;

(b) money received by the Authority by way of fees and charges imposed under this Act;

(c) all money derived by the Authority from—

(i) the leasing of any part of the subject land or of other land under the control of the Authority; or

(ii) the sale or other disposal by the Authority of any property that the Authority has power to sell or dispose of;

(d) all money borrowed by the Authority under this Act; and

(e) all other money received from any other source by the Authority.

(2) The Fund shall be applied only—

(a) in payment or discharge of the expenses, charges, and obligations incurred or undertaken by the Authority in the performance of its functions or the exercise of its powers; or

(b) in the payment of any remuneration payable under this Act.

(3) All money in the Fund, or payable into the Fund by any person, and all debts and other money owing to the Authority by any person, whether accrued due or not, are hereby declared to be the property of the State and recoverable accordingly by the Authority, on behalf of the State, in the same manner as money due to the Crown is recoverable.

(4) All other assets acquired by, or otherwise vested in, the Authority shall be held by it on behalf of the State.

10—Section 22 of the Principal Act is amended by omitting subsection (2). Amendment of section 22 of Principal Act (Bank accounts).

11—Section 23 of the Principal Act is amended by omitting “in any manner in which trustees are authorized to invest trust funds under the *Trustee Act 1898*” and substituting “in such manner as the Authority, with the approval of the Treasurer, thinks fit”. Amendment of section 23 of Principal Act (Temporary investment of funds).

12—Section 25 of the Principal Act is amended by inserting after “such amounts” in subsection (2) “out of the Fund”. Amendment of section 25 of Principal Act (Audit).

13—Section 26 of the Principal Act is amended as follows:— Amendment of section 26 of Principal Act (Borrowing by Authority).

(a) by omitting subsection (3);

(b) by omitting from subsection (4) “subsections (1) and (3)” and substituting “subsection (1)”.

*Port Arthur Historic Site
Management Authority Amendment*

Amendment of
section 30 of
Principal Act
(Payments by
Authority to
Consolidated
Fund).

14—Section 30 of the Principal Act is amended by inserting “out of the Fund” after “if any,”.

Amendment of
section 33 of
Principal Act
(Recovery of fees
or charges).

15—Section 33 of the Principal Act is amended by inserting “, on behalf of the State,” after “Authority” (second occurring).