

Changes to schools of arts legislation

Management of schools of arts has changed with the introduction of new, simplified legislation in 2018.

Why has the legislation changed?

There was an extensive review into the management of Crown lands, which found that schools of arts do not need to be regulated under their own legislation. This was the foundation for the NSW Government repealing the *Trustees of Schools of Arts Enabling Act 1902* (TSAE Act).

What is institutional private trust land?

Institutional private land means any land (other than institutional public trust land) reserved, dedicated or granted under any Act or instrument, or held in any other way, immediately before the repeal day for the purposes of an institution.

What management options do trusts on private land have?

Institutional private trusts have three options. Trustees may:

1. continue to manage the institutional private trust land in accordance with the *Trustees Act 1925* and, if applicable, any trust deed;
2. enter into an agreement with the Minister for Lands and Forestry for the land to be transferred to the Crown. Any land that is transferred to the Crown becomes Crown land; or
3. consider voluntarily entering into an agreement with your local council for the land to be transferred to the council, to be used and managed by the council under the *Local Government Act 1993*.

What happens to current trustees when the TSAE Act ceases?

Since the TSAE Act finished on 1 July 2018, there are two possible outcomes, depending on how the trustee was appointed.

If the trustee was appointed under section 14 of the TSAE Act

The trustees automatically became subject to the provisions of the *Trustees Act 1925* and continue to manage the institute.

If the trustee was not appointed under section 14 of the TSAE Act

Under the new Act, the Minister for Lands and Forestry may appoint new trustees to manage the institute if all trustees have vacated office. Current trustees are welcome to apply.

What are the transitional provisions in the new Act?

The Minister for Lands and Forestry may appoint trustees of institutional private trust land if all trustees have resigned or vacated office.

The Minister may enter into an agreement with the trustees of institutional private trust land to transfer that land to the Crown, which would enable the land to be managed under the new Act.

A standard form trust instrument is available for adoption by trustees to assist with governance of the Trust, and procedures for the appointment of trustees. The standard form trust instrument gives certainty and clarity about management of the institute, that is, governance, operational provisions and appointment of trustees. It is available in Schedule 3 of the Crown Land Management Regulation 2018.

How can I request more information?

If you would like clarification or assistance, please contact the department's school of arts project team on 1300 886 235 or email soaproject.team@crowland.nsw.gov.au.

Alternatively, you may want to seek independent legal advice.

© State of New South Wales through Department of Industry 2018. The information contained in this publication is based on knowledge and understanding at the time of writing (June 2018). However, because of advances in knowledge, users are reminded of the need to ensure that the information upon which they rely is up to date and to check the currency of the information with the appropriate officer of the Department of Industry or the user's independent adviser.