

TRUSTEES OF PUBLIC RESERVES ENABLING ACT.

Act No. 9, 1924.

**George v, An Act to enable trustees of public reserves to sell,
No. 9. lease, or mortgage the same; for this purpose
to amend certain Acts; and for purposes
connected therewith. [Assented to, 25th
September, 1924.]**

BE it enacted by the King'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:—

Short title. **1.** This Act may be cited as the "Trustees of Public Reserves Enabling Act, 1924." **2.**

2. In this Act, unless the context or subject-matter otherwise indicates or requires,— George V,
No. 9.

“Prescribed” means prescribed by this Act or the Definitions regulations made thereunder.

“Public Reserve” means any land set apart, dedicated, reserved, granted, or held for any public purpose under any Act, but shall not include any land set apart, dedicated, reserved, granted, or held as a public park.

“Trustee” means trustee of a public reserve.

3. This Act shall only apply to a public reserve to Application which it is declared to apply by resolution of both of Act. Houses of Parliament, but such resolution shall not be necessary where the land has been set apart, dedicated, reserved, granted, or held for the purpose of any war memorial, institute, or other building for any like purpose.

4. Nothing in this Act shall affect— Savings.

(a) any of the provisions of the Trustees of Schools of Arts Enabling Act, 1902, the Trustees of Show Grounds Enabling Act, 1909, the Local Government Act, 1919, or any Act relating to any particular public reserve or the trustees thereof;

(b) any power of leasing conferred by the Public Parks Act, 1912, or which may have been or may be conferred by any notice under section three of the Public Trusts Act, 1897.

5. (1) Any trustees may at a meeting called for the purpose pass a special resolution that it is desirable to Resolution of trustees to sell, lease, or mortgage, cf. Act No. 15, 1909, s. 3. sell, lease, or mortgage any public reserve or any part thereof upon specified terms or conditions.

(2) If such resolution is confirmed by another Confirmation of resolution, and publication in newspaper, cf. *Ibid.* s. 4. meeting of the trustees held not less than one month from the holding of the meeting referred to in the last preceding subsection, the trustees shall publish in two issues of a newspaper circulating in the locality where the public reserve is situate a notice of the passing and confirmation of the resolution, setting forth the prescribed particulars, and stating that the trustees intend to apply to the Minister for his consent to such sale, lease, or mortgage.

George V,**No. 9.**Application for Minister's consent.
cf. Act No. 15, 1909, s. 5.

Power of Minister to hear and refer.

Ibid. cf. s. 6.

Consent.

Ibid. cf. s. 7.

General and particular consent.

Sale, lease, and mortgage.
Ibid. s. 8.

6. After the expiration of fourteen days from the last of such publications, the trustees may apply in writing to the Minister for his consent to such proposed sale, lease, or mortgage, making a full statement to him of the facts relating thereto.

7. The Minister may hear any person in opposition to the said sale, lease, or mortgage, and may refer the application—

- (a) to any person or board for report; or
- (b) to any persons or any association, club, or other body, having in the opinion of the Minister any interest in the granting or withholding of his consent to the application.

8. (1) The Minister may in any case give his consent in writing either as to the whole or as to part of any public reserve in respect of which any application is made, and may at any time withdraw his consent, either wholly or partially, or vary the terms and conditions thereof, if he can do so without prejudice to the rights of third parties.

(2) In the case of an application for leave to sell or lease any public reserve, the Minister may give his consent either generally by authorising the sale or lease of such public reserve subject to such conditions, restrictions, reservations, and covenants, and in such manner and within such time as he may think desirable, or by approving of particular contracts of sale or lease.

(3) In the case of an application for leave to mortgage any public reserve such general consent shall not be given, but the terms of the proposed mortgage shall in each case be submitted to the Minister for approval, and his consent shall not, unless under circumstances which in the minute of approval he certifies to be exceptional, be given to a mortgage of any lands for more than one-half of the value of the land, including any buildings or improvements erected or to be erected thereon as certified by the Valuer-General.

9. (1) After the confirmation of such resolution as aforesaid, and after obtaining the written consent hereinbefore mentioned, and not otherwise, the trustees may sell, lease, or mortgage the reserve according to the terms of such consent:

Provided

Provided that where the Minister has given his consent ^{George V,} ^{No. 9.} generally, as in the next preceding section provided, no public reserve shall be sold or leased in pursuance of ^{Proviso.} such consent, unless in each case the price agreed upon or rent reserved has been submitted to and approved of by him.

(2) A mortgage under this Act may contain a power of sale.

10. (1) In any case in which trustees desire to exercise the powers conferred by this Act, the Minister ^{may appoint} ^{person to} ^{execute} ^{conveyance.} may appoint some person who shall have power to execute all conveyances and instruments, and do all things necessary to the due exercise of such powers. ^{Act No. 15,} ^{1909, s. 9.}

(2) The receipt of the person so appointed shall be a sufficient discharge to any purchaser, lessee, or mortgagee bona fide paying money in respect of any sale, lease, or mortgage under this Act.

(3) Any transfer, mortgage, or lease of lands held under the Real Property Act, signed by the person so appointed, shall have the same effect as if signed by the registered proprietor of such lands.

11. No purchaser, lessee, or mortgagee dealing bona fide with a person appointed under the next preceding section shall be prejudiced or affected by any omission or irregularity in respect of any of the matters prescribed by this Act. ^{Bona fide} ^{purchaser} ^{protected.} *Ibid.* s. 10.

12. (1) The proceeds of any sale, lease, or mortgage under this Act shall be held by the trustees, after payment of costs, expenses, and encumbrances, for the general purposes of the trust, and shall be invested or applied as the Minister directs. ^{Proceeds to} ^{be held on} ^{trust and} ^{invested.} *Ibid.* s. 11.

(2) The Minister may direct that any portion of the income or revenue of the trustees shall be set apart for payment of interest on, or the gradual extinction of, any mortgage debt, and the portion so set apart shall be invested as the Minister directs.

13. Lands conveyed to any person under the provisions of this Act shall vest in him free from all trusts which affected them in the hands of the persons by whom or on whose behalf they were conveyed. ^{Conveyance} ^{to vest lands} ^{free from} *Ibid.* s. 12.

George V. **14.** (1) The Governor may make regulations for carrying out the provisions of this Act.

No. 9. **Regulations.**

(2) Such regulations shall—

- (a) be published in the Gazette;
- (b) take effect from the date of such publication or from a later date to be specified in such regulations;
- (c) be laid before both Houses of Parliament within fourteen sitting days if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session. If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect.