

**TRUSTEES OF PUBLIC RESERVES (LIMITA-
TION OF NUMBERS AND RETIREMENT)
ACT.**

Act No. 51, 1941.

An Act to make provision for the limitation of the number of trustees of public reserves and for the retirement of such trustees upon attaining the age of seventy years; for these and other purposes to amend the Public Trusts Act, 1897, the Crown Lands Consolidation Act, 1913, the Public Parks Act, 1912, and certain other Acts in certain respects; and for purposes connected therewith. [Assented to, 5th November, 1941.]

George VI.
No. 51, 1941.

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:—

1. This Act may be cited as the "Trustees of Public Reserves (Limitation of Numbers and Retirement) Act, 1941." Short title.

2. The Public Trusts Act, 1897, as amended by subsequent Acts, is amended— Amendment of Act No. 8, 1897.

(a) (i) by inserting in section four after the word "fit" the words "Provided that subject to section 4A of this Act no such appointment shall be made which would have the effect of maintaining or increasing the total number of trustees beyond seven"; Sec. 4.

(Governor may appoint additional trustees.)

(ii) by omitting from the same section the words "In the case of trusts existing at the commencement of this Act the power hereby conferred on the Governor shall not be exercised beyond the appointment of one such

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such trustee if the majority of the existing trustees shall object in writing to such additional appointment”;

(iii) by omitting from the same section the words “Provided always that in any trust created after the commencement of this Act the total number of trustees shall not exceed seven”;

New secs.
4A-4E.

(b) by inserting after the same section the following new sections:—

Limitation
of number
of trustees
to seven.

4A. (1) Nothing contained in this Act or in any document or notice creating or authorising the creation of a trust shall authorise the Governor to make any appointment of a trustee whether to fill a vacancy or otherwise which would have the effect of maintaining or increasing the total number of trustees beyond seven.

(2) The Governor may appoint a person who holds a particular office or position to be a trustee by virtue of his holding that office or position.

Where any such appointment is made, then in ascertaining the number of trustees for the purposes of subsection one of this section, the person so appointed shall not be counted.

Any person appointed to be a trustee by virtue of his holding a particular office or position shall cease to hold office as trustee on the day upon which he ceases to hold that office or position.

Quorum.

4B. (1) The number ascertained by dividing the total number of trustees by two and adding one to the quotient (any fractional remainder being disregarded) shall, unless a greater number is fixed by any rule, regulation, by-law or ordinance made (whether before or after the commencement of the Trustees of Public Reserves (Limitation of Numbers and Retirement) Act, 1941) in that behalf, be the number of trustees necessary to form a quorum at any meeting of the trustees.

(2)

(2) Any duly convened meeting of the trustees at which a quorum is present shall be competent to transact any business of the trustees.

(3) A decision of the majority of the trustees present at a meeting shall be the decision of the trustees.

(4) This section shall not apply in any case where a corporate body has been appointed, pursuant to section two of this Act, to be trustees of any land.

4c. (1) Trustees appointed under this Act, ^{Trustees to report annually to} the Trustees of Public Reserves (Limitation of Numbers and Retirement) Act, 1941, shall cause to be forwarded to the Minister during the month next following the close of each year of the trust an abstract of all moneys received and expended by them during the preceding year.

Together with such abstract the trustees shall cause to be forwarded to the Minister a statement setting forth—

- (a) the activities of the trustees in relation to the trust during such preceding year;
- (b) the number of duly convened meetings of the trustees during such preceding year; and
- (c) a record of the attendances at such meetings of each of the trustees.

(2) The provisions of subsection one of this section shall not apply in any case where a corporate body has been appointed, pursuant to section two of this Act, to be trustees of any land.

Every such corporate body so appointed shall cause to be forwarded to the Minister in the month of January in each year a statement setting forth the activities of the corporate body in relation to the trust during the preceding year.

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Removal of trustees.

4D. The Governor may, by notice in the Gazette, remove any trustee appointed under this Act, whether before or after the commencement of the Trustees of Public Reserves (Limitation of Numbers and Retirement) Act, 1941, where the number of duly convened meetings of the trustees held during the year of the trust which commences in the year one thousand nine hundred and forty-two or during any subsequent year at which such trustee was present, is less than forty per centum of the total number of duly convened meetings of the trustees during such year.

Age limit.

4E. (1) No person of or above the age of seventy years shall be eligible for appointment under this Act as a trustee.

(2) Any person appointed as a trustee under this Act, whether before or after the commencement of the Trustees of Public Reserves (Limitation of Numbers and Retirement) Act, 1941, shall cease to hold office on the day upon which he attains the age of seventy years.

Amendment of Act No. 7, 1913.

Sec. 26.
(Appointment of trustees.)

3. The Crown Lands Consolidation Act, 1913, as amended by subsequent Acts, is amended—

- (a) by inserting in subsection one of section twenty-six after the word "three" the words "nor (subject to subsection (1A) of this section) more than seven";
- (b) by inserting at the end of the same subsection the following new subsections:—

(1A) (a) Nothing contained in subsection one of this section shall authorise the Minister to make any appointment of a trustee whether to fill any vacancy or otherwise which would have the effect of maintaining or increasing the total number of trustees beyond seven.

(b) The Minister may appoint a person who holds a particular office or position to be a trustee by virtue of his holding that office or position.

Where

Where any such appointment is made, then in ascertaining the number of trustees for the purposes of paragraph (a) of this subsection, the person so appointed shall not be counted.

Any person appointed to be a trustee by virtue of his holding a particular office or position shall cease to hold office as trustee on the day upon which he ceases to hold that office or position.

(1B) (a) The number ascertained by dividing the total number of trustees by two and adding one to the quotient (any fractional remainder being disregarded) shall, unless a greater number is fixed by any rule or regulation, made (whether before or after the commencement of the Trustees of Public Reserves (Limitation of Numbers and Retirement) Act, 1941) in that behalf, be the number of trustees necessary to form a quorum at any meeting of the trustees.

(b) Any duly convened meeting of the trustees at which a quorum is present shall be competent to transact any business of the trustees.

(c) A decision of the majority of the trustees present at a meeting shall be the decision of the trustees.

(1c) Trustees appointed under this section, whether before or after the commencement of the Trustees of Public Reserves (Limitation of Numbers and Retirement) Act, 1941, shall cause to be forwarded to the Minister during the month next following the close of each year of the trust an abstract of all moneys received and expended by them during the preceding year.

Together with such abstract the trustees shall cause to be forwarded to the Minister a statement setting forth—

- (a) the activities of the trustees in relation to the trust during such preceding year;
- (b) the number of duly convened meetings of the trustees during such preceding year; and

(c)

(c) a record of the attendances at such meetings of each of the trustees.

(1D) The Minister may, by notice in the Gazette, remove any trustee appointed under this section, whether before or after the commencement of the Trustees of Public Reserves (Limitation of Numbers and Retirement) Act, 1941, where the number of duly convened meetings of the trustees held during the year of the trust which commences in the year one thousand nine hundred and forty-two or during any subsequent year at which such trustee was present, is less than forty per centum of the total number of duly convened meetings of the trustees during such year.

(1E) (a) No person of or above the age of seventy years shall be eligible for appointment under this section as a trustee.

(b) Any person appointed as a trustee under this section, whether before or after the commencement of the Trustees of Public Reserves (Limitation of Numbers and Retirement) Act, 1941, shall cease to hold office on the day upon which he attains the age of seventy years.

Amendment
of Act No.
40, 1912.

Sec. 4.
(Appointment
of
trustees.)

Sec. 7.
(Vacancies
how
supplied.)

New secs.
7A-7E.

Ex-officio
trustees.

4. The Public Parks Act, 1912, as amended by subsequent Acts, is amended—

(a) by inserting at the end of subsection one of section four the words “The trustees so appointed shall not exceed seven in number”;

(b) by inserting at the end of section seven the following new subsection:—

(2) No appointment under subsection one of this section shall be made which would have the effect of maintaining or increasing the total number of trustees beyond seven.

(c) by inserting after section seven the following new sections:—

7A. The Governor may appoint a person who holds a particular office or position to be a trustee by virtue of his holding that office or position.

Where

Where any such appointment is made, then in ascertaining the number of trustees for the purposes of subsection one of section four or of subsection two of section seven of this Act, the person so appointed shall not be counted.

Any person appointed to be a trustee by virtue of his holding a particular office or position shall cease to hold office as trustee on the day upon which he ceases to hold that office or position.

7B. (1) The number ascertained by dividing **Quorum** the total number of trustees by two and adding one to the quotient (any fractional remainder being disregarded) shall, unless a greater number is fixed by any by-law made (whether before or after the commencement of the Trustees of Public Reserves (Limitation of Numbers and Retirement) Act, 1941) in that behalf, be the number of trustees necessary to form a quorum at any meeting of the trustees.

(2) Any duly convened meeting of the trustees at which a quorum is present shall be competent to transact any business of the trustees.

(3) A decision of the majority of the trustees present at a meeting shall be the decision of the trustees.

(4) This section shall not apply in any case where the council of a municipality has been appointed, pursuant to section six of this Act, to be the trustees of any land.

7c. (1) Trustees appointed under this Act, Trustees to report annually to Minister. whether before or after the commencement of the Trustees of Public Reserves (Limitation of Numbers and Retirement) Act, 1941, shall cause to be forwarded to the Minister during the month next following the close of each year of the trust an abstract of all moneys received and expended by them during the preceding year.

Together

Together with such abstract the trustees shall cause to be forwarded to the Minister a statement setting forth—

- (a) the activities of the trustees in relation to the trust during such preceding year;
- (b) the number of duly convened meetings of the trustees during such preceding year; and
- (c) a record of the attendances at such meetings of each of the trustees.

(2) The provisions of subsection one of this section shall not apply in any case where the council of a municipality has been appointed, pursuant to section six of this Act, to be trustees of any land.

Every such council so appointed shall cause to be forwarded to the Minister in the month of January in each year a statement setting forth the activities of the council in relation to the trust during the preceding year.

Removal of trustees.

7D. The Governor may, by notice in the Gazette, remove any trustee appointed under this Act, whether before or after the commencement of the Trustees of Public Reserves (Limitation of Numbers and Retirement) Act, 1941, where the number of duly convened meetings of the trustees held during the year of the trust which commences in the year one thousand nine hundred and forty-two or during any subsequent year at which such trustee was present is less than forty per centum of the total number of duly convened meetings of the trustees during such year.

Age limit.

7E. (1) No person of or above the age of seventy years shall be eligible for appointment under this Act as a trustee.

(2) Any person appointed as a trustee under this Act, whether before or after the commencement of the Trustees of Public Reserves

Reserves (Limitation of Numbers and Retirement) Act, 1941, shall cease to hold office as from the day on which he attains the age of seventy years.

5. Notwithstanding anything contained in the Public ~~Saving~~ Trusts Act, 1897, the Crown Lands Consolidation Act, 1913, the Public Parks Act, 1912, or any of those Acts as amended by subsequent Acts, any trustee who has attained the age of seventy years before the commencement of this Act or who attains that age after such commencement but before the thirty-first day of December, one thousand nine hundred and forty-one, may continue to hold office as trustee until the thirty-first day of December, one thousand nine hundred and forty-one.
