

## Act No. 8, 1897.

An Act to regulate trusts of land for public purposes; to amend the law with respect to the reservation and dedication of Crown Lands, and the resumption and exchange of land so reserved or dedicated; and for purposes incidental to the above objects. [19th July, 1897.]

PUBLIC TRUSTS.

**B**E it 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. The Governor shall be deemed to have had and shall have power to appoint, by notice in the Gazette, trustees of land temporarily reserved from sale under section one hundred and one of the Crown Lands Act of 1884, or otherwise, or under any enactment repealed by that Act, and to remove any trustees so appointed, and fill any vacancies occurring by reason of such removal or by death or resignation, and to make rules and regulations for the management and control of such lands, and impose in those rules and regulations any penalty not exceeding ten pounds for any breach of the same.

2. (1) The Governor may, by notice in the Gazette, appoint a corporate body as trustees of land set apart, dedicated, or reserved (temporarily or otherwise) for any public purpose before or after the day on which this Act takes effect, and may grant to or vest the said land in such corporate body as aforesaid, and may, in like manner, appoint the council for the time being of a municipality as trustees of such land as aforesaid, whether the land be within or without the boundaries of the municipality, and may grant to or vest the said land in such council as aforesaid; but the council of a municipality shall not be appointed trustees of land situate either wholly or in part within the boundaries of another municipality.

(II) No appointment of trustees of such land as aforesaid, and no acts or things done by such trustees, shall be deemed to have been or to be invalid or unlawful by reason only that the trustees so appointed were a corporate body, or were the Council of a Municipality.

3. Where land has, before or after the day on which this Act takes effect, been set apart, dedicated, or reserved for any public purpose, under any Act, the Governor may by notice in the Gazette, and

*Public Trusts.*

and without any deed, grant, or other assurance, vest the land in the trustees for such estate, and with such powers and subject to such limitations and conditions as he may think fit.

Governor may  
appoint additional  
trustees.

4. The Governor may, by notice in the Gazette, appoint additional trustees of any public park or of any lands set apart or dedicated for any other public purpose, or reserved temporarily or otherwise, before or after the day on which this Act takes effect, whether the land is or is not vested in trustees, and whether the number of trustees is greater than, equal to, or less than the number of trustees originally appointed or authorised to be appointed by the statute, document, or notice creating or authorising the creation of the trust; and may grant to, or by notice in the Gazette vest in, the trustees so appointed such estate or interest in the lands as he may think fit.

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

Governor may  
remove trustees.

The Governor may also, by notice as aforesaid, remove any trustees of any such lands who desire to be discharged from or refuse or become unfit or incapable to act in the trusts, or who shall reside out of the Colony, or who in case of a trust for any local purpose shall reside out of the locality in which the trust lands are situated, and fill any vacancies which may occur by reason of such removal or by death or resignation. The removal of any trustee shall divest the trustee so removed of any estate in the land subject to the trust :

Limitation of  
number of trustees.

Provided always that in any trust created after the commencement of this Act the total number of trustees shall not exceed seven.

Trustees to report.

5. The trustees of lands set apart, dedicated, or reserved as aforesaid, or of any public park, and the trustees or other persons having the control and management of land held under trust for schools of arts, mechanic institutes, hospitals, and other institutions receiving aid from the Consolidated Revenue Fund, shall, at such times as the Minister may direct, report to the Minister upon the administration of the trust or institution, and upon such matters in connection therewith as the Minister may from time to time specify, and shall if required furnish him with a statement of revenue received and expenditure made during such period as he may specify.

Trustees to permit  
inspection of books  
and documents.

6. Such trustees and persons as aforesaid, their servants and agents, shall permit any person authorised in that behalf by the Minister to inspect any books and documents and to audit any accounts relating to the trust or institution; and whosoever obstructs any person in the exercise of the powers conferred by this section shall be liable to a penalty not exceeding twenty pounds.

*Public Trusts.*

7. The powers conferred by section one hundred and five of the Crown Lands Act of 1884, in respect of any land dedicated or reserved may be exercised, and shall be deemed to have been exercisable in respect of the whole or any part of the land dedicated or reserved. Powers under section 105 of Act of 1884 may be exercised in part.

8. It shall be lawful, under section one hundred and four of the Crown Lands Act of 1884, to reserve or dedicate land appropriated or resumed for any public purpose and vested in some Minister of the Crown on behalf of Her Majesty under the authority of any statute, or acquired by the Crown by gift or otherwise; and no reservation or dedication made, or purporting to have been made, before the day on which this Act takes effect in pursuance of the powers in any statute shall be invalid by reason only that the land reserved or dedicated had been appropriated, resumed, vested, acquired, or given as aforesaid. Power to reserve and dedicate land resumed for public purposes.

9. It shall be lawful for the Minister, or any person authorised by him, to enter at any time upon land dedicated or reserved for any public purpose and inspect the same, and whosoever obstructs the Minister or any such authorised person in the performance of any duty connected with such inspection shall be liable to a penalty not exceeding twenty pounds. Minister may enter and inspect land dedicated or reserved.

10. Any penalties imposed by this Act may be recovered before a police or stipendiary magistrate, or any two justices of the peace in petty sessions. Recovery of penalties.

11. In this Act—

Definitions.

“Governor” means the Governor with the advice of the Executive Council.

“Minister” means the Minister administering the Act under which the trust in question was created, or the Minister administering the Department to which, for administrative purposes, control of the trust is attached.

“Public purpose” has the meaning given to that expression in the Crown Lands Act of 1884.

12. This Act may be cited as the “Public Trusts Act, 1897.” Short title.