

CENTENNIAL PARK TRUST (AMENDMENT) ACT 1991
No. 68

NEW SOUTH WALES



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CENTENNIAL PARK TRUST (AMENDMENT) ACT 1991
No. 68

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Act No. 68, 1991

An Act to amend the Centennial Park Trust Act 1983 in order to bring Moore Park and the E.S. Marks Field within the administration of the Centennial Park Trust; to change the name of that Trust; and for other purposes. [Assented to 17 December 1991]

Centennial Park Trust (Amendment) 1991

The Legislature of New South Wales enacts:**Short title**

1. This Act may be cited as the Centennial Park Trust (Amendment) Act 1991.

Commencement

2. This Act commences on a day or days to be appointed by proclamation.

Amendment of Centennial Park Trust Act 1983 No. 145

3. The Centennial Park Trust Act 1983 is amended as set out in Schedules 1 and 2.

SCHEDULE 1—AMENDMENTS RELATING TO VESTING OF MOORE PARK AND E.S. MARKS FIELD

(Sec. 3)

- (1) Long title and sections 1, 4 (l), 6 (1) and 13 (a):
After “Centennial Park” wherever occurring, insert “and Moore Park”.
- (2) Section 3 (**Arrangement**):
Omit the section.
- (3) Section 4 (**Definitions**):
From the definitions of “original land” and “supplementary land” in section 4 (l), omit “(1)” wherever occurring.
- (4) Part 2, heading:
Omit the heading, insert instead:

PART 2—THE CENTENNIAL PARK AND MOORE PARK TRUST

- (5) Section 19 (**Vesting of certain land in Trust**):
After section 19 (l), insert:
(1A) The land described in Schedule 3 is by this Act vested in the Trust for an estate in fee simple.

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SCHEDULE 1—AMENDMENTS RELATING TO VESTING OF
MOORE PARK AND E.S. MARKS FIELD—*continued*

(6) Schedule 2 (**Transitional and Other Provisions**):

(a) Before clause 1, insert:

PART 1—CENTENNIAL PARK

- (b) From clause 1, omit “Schedule” where firstly occurring, insert instead “Part”.
- (c) From the definition of “commencement” in clause 1, omit ‘‘this Schedule’’, insert instead “section 27”.
- (d) At the end of the Schedule, insert:

**PART 2—CENTENNIAL PARK, MOORE PARK AND
E.S. MARKS FIELD**

Definitions

5. In this Part:

“**appointed day**” means the day on which Schedule 1 (5) to the Centennial Park Trust (Amendment) Act 1991 commences;

“**former trustees**” means:

- (a) the Trust in its capacity immediately before the appointed day as the reserve trust under the Crown Lands Act 1989 for the area that is described in Part 1 of Schedule 3 and is generally known as Moore Park; and
- (b) the administrator holding office under the Crown Lands Act 1989 immediately before the appointed day for the area that is described in Part 2 of Schedule 3 and is generally known as the E.S. Marks Field.

Continuity of corporation and cessation of administration

6. (1) The corporation named “Centennial Park and Moore Park Trust” by section 6 on the appointed day is a continuation of, and the same legal entity as, the corporation that, by that section as in force immediately before the appointed day, was named “Centennial Park Trust”.

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SCHEDULE 1—AMENDMENTS RELATING TO VESTING OF
MOORE PARK AND E.S. MARKS FIELD—*continued*

(2) The administrator for the E.S. Marks Field holding office immediately before the appointed day does not continue in office on and after that day.

(3) A reference in any other Act or in any other document to the Centennial Park Trust or to a trustee or administrator of the E.S. Marks Field is to be read on and after the appointed day as a reference to the Centennial Park and Moore Park Trust.

Saving relating to leases etc.

7. (1) The vesting of land effected by section 19 (1A) does not operate:

- (a) to free the land from any lease, easement or licence to which it was subject immediately before the appointed day; or
- (b) to vest in the Trust any pipeline, cable or related apparatus that is for the conveyance of gas, electricity, water or drainage and was lawfully situated on the land immediately before the appointed day.

(2) A reservation or dedication that is in force immediately before the appointed day and affects the land described in Schedule 3 is revoked on that day.

(3) A reservation or dedication that:

- (a) affects so much of the land of the former trustees as is not land described in Schedule 3; and
- (b) is in force immediately before an order published under clause 10 takes effect in relation to the land so affected,

is revoked when the order takes effect.

Trust to be lessor under certain Special Lease

8. On the appointed day, the estate and interest of the lessor under Special Lease 1960277 Metropolitan over Portion 1605 (being Computer Folio 1605/752011) is by this Act assigned to the Trust.

Conditions affecting property of former trustees

9. If, immediately before the appointed day, property of either of the former trustees is subject to a condition that has

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SCHEDULE 1—AMENDMENTS RELATING TO VESTING OF
MOORE PARK AND E.S. MARKS FEILD—*continued*

been agreed to by the former trustee in accordance with law and is not inconsistent with its objects, the property continues to be subject to the condition on and after that day.

Arrangements for the division of assets and liabilities

10. (1) The Governor may, by order published in the Gazette, determine the extent to which, and any conditions subject to which:

- (a) property of the former trustees (other than the land described in Schedule 3); and
- (b) rights and liabilities of the former trustees,

are to be property, rights and liabilities of the Trust, the Crown or a specified statutory body.

(2) An order published under this clause takes effect:

- (a) if it is published on the appointed day—on that day, unless paragraph (c) applies; or
- (b) if it is published after the appointed day—on the day of its publication, unless paragraph (c) applies; or
- (c) if in either case a later day is specified in the order for it to take effect—on the specified day.

(3) More than one order may be made under this clause and such an order has the force of law during its currency.

PART 3—REGULATIONS

Regulations

11. (1) The regulations may include provisions of a savings or transitional nature consequent on the enactment of the Centennial Park Trust (Amendment) Act 1991.

(2) A provision referred to in subclause (1) may, if the regulations so provide, take effect from the date of assent to the Centennial Park Trust (Amendment) Act 1991 or a later date.

(3) To the extent that a provision referred to in subclause (1) takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate:

- (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State) the rights of that person existing before that date of publication; or

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**SCHEDULE 1—AMENDMENTS RELATING TO VESTING OF
MOORE PARK AND E.S. MARKS FIELD—*continued***

- (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before that date of publication.

(7) Schedule 3:

After Schedule 2, insert:

SCHEDULE 3—MOORE PARK AND E.S. MARKS FIELD
(Sec. 19 (1A))

Part 1—Moore Park

Lots 1759, 1760, 1761, 1762, 1763, 1766, 1769, 1770, 1771, 1772, 1774, 1775, 1781, 1785 and 1786 in Deposited Plan 821362.

Part 2—E.S. Marks Field

Lots 1776, 1777, 1778, 1779, 1780, 1782, 1783 and 1784 in Deposited Plan 821362.

**SCHEDULE 2—AMENDMENTS RELATING TO PLANS OF
MANAGEMENT**

(Sec. 3)

(1) Section 4 (**Definitions**):

After the definition of “original land” in section 4 (1), insert:

“plan of management” means a detailed scheme of operations to be undertaken in relation to the land vested in the Trust;

(2) Part 2A:

After Part 2, insert:

PART 2A—PLANS OF MANAGEMENT

Preparation of initial and subsequent plans of management

12A. (1) In accordance with directions given by the Minister, and within a time specified by the Minister, the

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SCHEDULE 2—AMENDMENTS RELATING TO PLANS OF
MANAGEMENT— *continued*

Trust is to prepare and submit to the Minister for consideration a proposed initial plan of management for the Trust lands.

(2) If so directed by the Minister after adoption of an initial or later plan of management in accordance with this Part, the Trust is, within a time specified by the Minister, to prepare and submit to the Minister for consideration proposals for:

- (a) the amendment of the existing plan of management; or
- (b) a new plan of management to be substituted for the existing plan of management,

whether the existing plan is the initial plan or an amended or substituted plan.

Adoption of plan of management

12B. The Minister may:

- (a) adopt, without alteration, proposals submitted under section 12A or alter the proposals and adopt them as altered; or
- (b) return the proposals to the Trust for further consideration.

Carrying out of plan of management

12C. The Trust is to give effect to the plan of management as for the time being adopted by the Minister.

Certain Acts not affected

12D. This Part does not affect the operation of the Local Government Act 1919 or the Environmental Planning and Assessment Act 1979.

*[Minister's second reading speech made in—
Legislative Assembly on 20 August 1991
Legislative Council on 12 December 1991]*