

**CENTENNIAL PARK AND MOORE PARK TRUST
(MACQUARIE SYDNEY COMMON) AMENDMENT ACT 1992
No. 114**

NEW SOUTH WALES



Act No. 114, 1992

An Act to amend the Centennial Park and Moore Park Trust Act 1983 to vest in the Centennial Park and Moore Park Trust the Sydney Showground being part of the Sydney Common granted by Governor Macquarie to the people of Sydney, to make further provision for plans of management, to widen representation on that Trust and to repeal the Royal Agricultural Society Act 1911; and for other purposes. [Assented to 8 December 1992]

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Centennial Park and Moore Park Trust (Macquarie Sydney Common) Amendment Act 1992.

Commencement

2. (1) Except as provided by subsection (2), this Act commences 6 months after the date of assent, unless commenced sooner by proclamation.

(2) Section 5 commences on the date of assent to this Act.

Amendment of Centennial Park and Moore Park Trust Act 1983 No. 145

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

Repeal of Royal Agricultural Society Act 1911 No. 1

4. The Royal Agricultural Society Act 1911 is repealed.

Assessment of funding alternatives to sale of Sydney Showground to fund Sydney 2000 Olympic Bid

5. (1) Before the commencement of sections 3 and 4, the Treasurer must cause an assessment to be made of funding sources for the Sydney 2000 Olympic Bid, other than funds from the sale of any of the land described in Schedule 4 as proposed to be inserted by this Act in the Centennial Park and Moore Park Trust Act 1983.

(2) Nothing in this Act, or in the Centennial Park and Moore Park Trust Act 1983 as amended by this Act, prevents any anticipated funds from the sale of any of that land from being included in any proposed budget or other financial estimates prepared for or in connection with the Sydney 2000 Olympic Bid before the assessment referred to in subsection (1) is carried out.

SCHEDULE 1—AMENDMENTS RELATING TO MACQUARIE SYDNEY COMMON

(Sec. 3)

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

In the definitions of “original land” and “supplementary land” in section 4 (1), after “section” wherever occurring, insert “18B or”.

(2) Section 12E:

After section 12D, insert:

Plans of management required for all Trust land

12E. The Minister is to take such action as may be necessary under this Part to ensure that all the land that comprises Trust land from time to time is the subject of a plan or plans of management.

(3) Part 4A:

After Part 4, insert:

PART (IA)—MACQUARIE SYDNEY COMMON**Definition of “RAS”**

18A. In this Part:

“RAS” means the Royal Agricultural Society of New South Wales.

Sydney Showground vests in Trust

18B. (1) The land described in Schedule 4 is by this Act vested in the Trust for an estate in fee simple.

(2) The land is vested subject to any lease, licence, easement or other estate or interest to which it was subject immediately before the commencement of this Part. A reference in any such lease, licence or easement, or in the instrument creating any such estate or interest, to the RAS is to be read as a reference to the Trust.

(3) The vesting of land effected by this section does not operate to vest in the Trust any pipeline, cable or related apparatus owned by a person other than the RAS and used

**SCHEDULE 1—AMENDMENTS RELATING TO MACQUARIE
SYDNEY COMMON—*continued***

for the conveyance of gas, electricity, water, drainage or sewage and lawfully situated on the land immediately before the commencement of this Part.

RAS to be granted lease back

18C. (1) The Trust is to grant the RAS a lease of the land vested in the Trust by section 18B.

(2) The terms and conditions of the lease are to be as agreed between the Trust and the RAS or, in default of agreement, as determined by arbitration under the Commercial Arbitration Act 1984.

(3) The lease is to contain terms to the effect of the following:

- (a) the Trust may determine the lease when the operations of the RAS are transferred to other land;
- (b) the land may be occupied by the RAS and may be used:
 - (i) for the purpose of holding shows and exhibitions of agricultural, horticultural and pastoral produce, implements, machinery, minerals, arts, manufactures and livestock; or
 - (ii) for any purpose of a similar kind, or of any other kind, for which it was lawfully able to be used immediately before the commencement of the Centennial Park and Moore Park Trust (Macquarie Sydney Common) Amendment Act 1992 or for which approval is granted by the Minister;
- (c) the RAS may erect all buildings and make all improvements necessary to carry out a purpose referred to in paragraph (b);
- (d) the RAS is to admit the public to those shows and exhibitions subject to such charges and conditions as are approved by the Minister;
- (e) the RAS is not to hold or permit to be held any horse-races or pony-races on the land;

SCHEDULE 1—AMENDMENTS RELATING TO MACQUARIE SYDNEY COMMON—*continued*

- (f) subleasing or sublicensing of the land is not permitted except with the Trust's consent and on terms approved by the Trust;
- (g) the RAS is, at all times, to keep the land in a clean and sanitary condition to the satisfaction of such person as the Minister appoints for the purpose.

(4) Nothing in section 20 applies to a lease under this section.

RAS to be sublessor etc.

18D. (1) The RAS is taken to be the sublessor or sublicensor under a lease or licence continued in force by section 18B.

(2) The terms and conditions of the sublease or sublicense are the same terms and conditions as existed in relation to the lease or licence immediately before the commencement of this Part.

(3) The Trust is taken to be the head lessor or head licensor, on the terms and conditions applying to the lease or licence under section 18B.

(4) This section ceases to operate when the operations of the RAS are transferred to other land.

(4) Schedule 4:

After Schedule 3, insert:

SCHEDULE 4—SYDNEY SHOWGROUND

(Sec. 18B)

All the land described in the Schedule to the Royal Agricultural Society Act 1911 immediately before the repeal of that Act by the Centennial Park and Moore Park Trust (Macquarie Sydney Common) Amendment Act 1992.

**SCHEDULE 2—AMENDMENTS RELATING TO THE
CONSTITUTION OF CENTENNIAL AND MOORE PARK
TRUST**

(Sec. 3)

(1) Section 7 (**Appointment and procedure**):

Omit section 7 (1), insert instead:

(1) The Trust is to consist of:

- (a) 7 trustees appointed by the Governor on the recommendation of the Minister; and
- (b) 1 trustee for each local government area that includes Trust lands or adjoins Trust lands, each such trustee being appointed by the Governor on the recommendation of the council of the area concerned.

(2) Section 7A:

After section 7, insert:

Community consultation

7A. (1) It is the duty of the Trust to establish an effective procedure for community consultation concerning the activities and policies pursued by the Trust from time to time.

(2) Consultation is to take place at least 4 times annually in a manner determined by the Trust to be the most efficient and suitable for ascertaining the impact of its activities on the areas immediately surrounding the Trust lands and on residents in those areas and in the wider community.

(3) Schedule 1 (**Provisions relating to trustees and procedure of the Trust**):

From clause 9 (3), omit “Four trustees”, insert instead “A majority of the number of trustees for the time being holding office”.

SCHEDULE 2—AMENDMENTS RELATING TO THE
CONSTITUTION OF CENTENNIAL AND MOORE PARK
TRUST— *continued*

(4) Schedule 2 (**Transitional provisions**):

After Part 2 of Schedule 2, insert:

PART 2A—TRUST RECONSTITUTION

Existing trustees continue in office

10A. A person holding office as trustee under section 7 (1) immediately before the substitution of that subsection by the Centennial Park and Moore Park Trust (Macquarie Sydney Common) Amendment Act 1992 is taken to have been appointed under section 7 (1) (a), as so substituted, for the remainder of the person's term of office.

*[Minister's second reading speech made in—
Legislative Assembly on 17 September 1992
Legislative Council on 27 November 1992]*