

BICENTENNIAL PARK TRUST BILL 1987

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The objects of this Bill are—

- (a) to constitute the Bicentennial Park Trust and to define its objects, functions and powers;
- (b) to vest in the Trust, for the use and enjoyment of the public, certain land at Homebush Bay (being the proposed Bicentennial Park); and
- (c) to make ancillary and other provisions with respect to the Trust and the land vested in the Trust.

PART 1—PRELIMINARY

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act will, with minor exceptions, commence on a day to be appointed by the Governor-in-Council.

Clause 3 defines certain expressions for the purposes of the proposed Act. In particular, “trust lands” is defined to mean the principal trust lands (being the proposed Bicentennial Park described in Part 1 of Schedule 1 to the proposed Act) as well as any additional trust lands acquired by the Trust.

PART 2—THE BICENTENNIAL PARK TRUST

Clause 4 constitutes the Trust as a corporation. The Trust is to be subject to the control and direction of the Minister and a statutory body representing the Crown.

Bicentennial Park Trust 1987

Clause 5 provides that the Trust is to consist of 7 trustees who are to be appointed by the Governor on the recommendation of the Minister. Other provisions relating to the trustees and the procedure of the Trust are contained in Schedules 2 and 3 to the proposed Act.

PART 3—OBJECTS AND FUNCTIONS OF THE TRUST

Clause 6 specifies the objects of the Trust. These include—

- (a) maintaining and improving the trust lands;
- (b) encouraging the use and enjoyment of the trust lands by the public by promoting and increasing the recreational, historical, scientific, educational and cultural value of those lands; and
- (c) maintaining the public's right to the use of the trust lands.

Clause 7 specifies the functions of the Trust. These include—

- (a) making use of the trust lands for various relevant activities;
- (b) entering into arrangements to provide food or other refreshments on the trust lands;
- (c) controlling and managing all property vested in the Trust;
- (d) investing surplus funds; and
- (e) making reports and recommendations to the Minister.

PART 4—PROPERTY OF THE TRUST

Clause 8 vests the proposed Bicentennial Park at Homebush Bay in the Trust (being the principal trust lands described in Part 1 of Schedule 1 to the proposed Act). This land is to be freed and discharged from existing interests (apart from those interests which are described in Part 2 of Schedule 1 to the proposed Act). The clause also empowers the Governor, by proclamation, to amend Part 1 of Schedule 1 to vest additional land as part of the principal trust lands and to amend Part 2 of Schedule 1 to add other interests which are not affected by the vesting of the land in the Trust.

Clause 9 prohibits the disposal of the principal trust lands by the Trust and prohibits their appropriation or resumption except by an Act of Parliament.

Clause 10 deals with the acquisition of other property by the Trust (including by gift, bequest or devise) and enables the Trust to agree to conditions attached to its acquisition of property.

Clause 11 prevents the Trust from disposing of any property acquired by gift, bequest or devise or any property being additional trust lands except with the Minister's approval or in accordance with any condition of acquisition. Under the clause, the Minister may, in certain cases, approve of the disposal of property despite any such condition.

Clause 12 empowers the Trust (with the approval of the Minister) to grant leases, easements and licences, and to impose restrictions as to user and positive covenants, in connection with the trust lands.

Bicentennial Park Trust 1987

PART 5—PLAN OF MANAGEMENT FOR TRUST LANDS

Clause 13 requires the Trust to prepare a plan of management. The plan is to contain a detailed statement of the operations proposed to be undertaken with respect to the trust lands.

Clause 14 provides for the adoption of the plan of management by the Minister. The Minister may refer the plan back to the Trust for further consideration.

Clause 15 enables the Trust to amend the plan of management from time to time or to cancel the plan and substitute a new one. The provisions relating to the preparation and adoption of the plan in clauses 13 and 14 apply to the amendment or substitution of the plan.

Clause 16 provides that the plan of management is to be implemented if it is adopted by the Minister. The operation of the Local Government Act 1919 and the Environmental Planning and Assessment Act 1979 is not affected.

PART 6—ADMINISTRATION

Clause 17 empowers the Trust to establish committees to enable it to carry out its functions.

Clause 18 makes provision for the employment under the Public Service Act 1979 of a Manager of Bicentennial Park and other staff. It also enables the Trust to arrange for the use of the services of the staff or facilities of a government department, administrative office or public authority.

Clause 19 specifies the responsibilities of the Manager in relation to the trust lands and provides that the Manager is subject to the control and direction of the Trust.

Clause 20 enables the Trust to delegate functions to a trustee, to a committee of the Trust or to the Manager or any other officer of the Trust.

PART 7—MISCELLANEOUS

Clause 21 specifies the financial year of the Trust.

Clause 22 makes the owner of a vehicle liable in certain cases for parking offences in the trust lands.

Clause 23 provides for the issue of “on-the-spot” infringement or penalty notices for breaches of the regulations.

Clause 24 is an evidentiary provision relating to the constitution and procedure of the Trust.

Clause 25 provides that proceedings for an offence against the proposed Act or regulations are to be dealt with summarily before a Local Court.

Bicentennial Park Trust 1987

Clause 26 empowers the Governor to make regulations under the proposed Act. In particular, the regulations may make provision for or with respect to the use and enjoyment of the trust lands, the care, control and management of the trust lands and the determination and payment of fees for the use of certain parts of the trust lands and for services provided by the Trust.

Clause 27 amends the Justices Act 1902 in a manner that applies the follow up and enforcement provisions of that Act to penalty notices for breaches of the regulations under the proposed Act. The clause also amends Schedule 2 to the Public Finance and Audit Act 1983 so as to apply to the Trust the accounting, auditing and annual report requirements of statutory bodies.

SCHEDULES

Schedule 1 sets out the description of the proposed Bicentennial Park to be vested in the Trust. The Schedule will also describe various interests that are not affected by the vesting of the land in the Trust (e.g. the leases for existing radio installations).

Schedule 2 contains provisions with respect to the trustees. In particular, provision is made with respect to a Chairperson of the Trust, acting trustees, the term of office of trustees (maximum 4 years), remuneration, vacation of office, the disclosure of pecuniary interests and the protection from personal liability when trustees act in good faith.

Schedule 3 contains provisions with respect to the procedure for the conduct of meetings of the Trust.
