

Passed by both Houses



New South Wales

Centennial Park and Moore Park Trust Amendment Bill 2012

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I certify that this public bill, which originated in the Legislative Assembly, has finally passed the Legislative Council and the Legislative Assembly of New South Wales.

*Clerk of the Legislative Assembly.
Legislative Assembly,
Sydney, , 2012*



New South Wales

Centennial Park and Moore Park Trust Amendment Bill 2012

Act No , 2012

An Act to amend the *Centennial Park and Moore Park Trust Act 1983* in relation to the leasing of Trust lands; and for other purposes.

I have examined this bill and find it to correspond in all respects with the bill as finally passed by both Houses.

Assistant Speaker of the Legislative Assembly.

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Centennial Park and Moore Park Trust Amendment Act 2012*.

2 Commencement

This Act commences on the date of assent to this Act.

Schedule 1 Principal amendments to Centennial Park and Moore Park Trust Act 1983 No 145

[1] Section 15

Omit the section. Insert instead:

15 Delegation of Trust's functions

- (1) The Trust may delegate to an authorised person any of its functions, other than this power of delegation.
- (2) A delegate may sub-delegate to an authorised person any function delegated by the Trust if the delegate is authorised in writing to do so by the Trust.
- (3) In this section, *authorised person* means:
 - (a) a trustee, or
 - (b) the Director or any member of staff of the Trust, or
 - (c) a NSW Government agency or local authority, or a member of staff of any such agency or authority, or
 - (d) a person, or group of persons, of a class prescribed by the regulations.

[2] Section 20 Grant of leases, easements and licences

Omit section 20 (3). Insert instead:

- (3) A lease granted under subsection (2) must not have a term that, together with the term of any further lease that may be granted under an option in respect of it, exceeds 99 years. The Trust must obtain the approval of the Minister if any such proposed lease has a term that, together with the term of any further lease that may be granted under an option in respect of it, exceeds 50 years.

[3] Schedule 1 Provisions relating to trustees and procedure of the Trust

Insert after clause 9:

9A Transaction of business outside meetings or by electronic means

- (1) The Trust may, if it thinks fit, transact any of its business by the circulation of papers among all the trustees for the time being, and a resolution in writing approved in writing by a majority of those trustees is taken to be a decision of the Trust.
- (2) The Trust may, if it thinks fit, transact any of its business at a meeting at which trustees (or some trustees) participate by

telephone, closed-circuit television or other means, but only if any trustee who speaks on a matter before the meeting can be heard by the other trustees.

- (3) For the purposes of:
 - (a) the approval of a resolution under subclause (1), or
 - (b) a meeting held in accordance with subclause (2),the Chairman and each trustee have the same voting rights as they have at an ordinary meeting of the Trust.
- (4) A resolution approved under subclause (1) is, subject to the regulations, to be recorded in the minutes of the meetings of the Trust.
- (5) Papers may be circulated among the trustees for the purposes of subclause (1) by email, facsimile or other transmission of the information in the papers concerned.

9B Personal liability

A matter or thing done or omitted to be done by the Trust, a trustee or a person acting under the direction of the Trust does not, if the matter or thing was done or omitted to be done in good faith for the purpose of executing this or any other Act, subject a trustee or a person so acting personally to any action, liability, claim or demand.

Schedule 2 Statute law revision amendments to Centennial Park and Moore Park Trust Act 1983 No 145

[1] Section 2 Commencement

Omit the section.

[2] Section 4 Definitions

Omit the definitions of *original land*, *regulation* and *supplementary land* from section 4 (1).

Insert in alphabetical order:

function includes a power, authority or duty, and *exercise* a function includes perform a duty.

original land means the land that is described in section 5.

supplementary land means land acquired by the Trust that is not original land.

[3] Section 4 (2)

Omit the subsection.

[4] Section 5

Omit the section. Insert instead:

5 Trust lands—original land

(1) For the purposes of this Act, all land vested in the Trust immediately before the commencement of the amending Act is original land.

(2) In this section, *amending Act* means the *Centennial Park and Moore Park Trust Amendment Act 2012*.

Note. On the commencement of the amending Act, original land includes the following land:

- (a) the land known as Centennial Park,
- (b) the land known as Moore Park,
- (c) the land known as E. S. Marks Athletics Field,
- (d) the land formerly known as Sydney Showground,
- (e) the land known as Queens Park,
- (f) certain other lands (for example, Tay Reserve and Drivers Triangle).

- [5] Section 9 Functions of Trust**
Omit “*Stamp Duties Act 1920*” from section 9 (6).
Insert instead “*Duties Act 1997*”.
- [6] Section 10 Disposal of certain land prohibited**
Omit “Part 3A and”.
- [7] Part 3A Provisions relating to the Eastern Distributor**
Omit the Part.
- [8] Part 4 Finance**
Omit the Part.
- [9] Part 4A Macquarie Sydney Common**
Omit the Part.
- [10] Section 19 Resumption of original land requires Act of Parliament**
Omit section 19 (1) and (1A).
- [11] Section 21 Annual report**
Omit the section.
- [12] Section 22 Regulations**
Omit section 22 (4).
- [13] Section 27 Transitional and other provisions**
Omit the section.
- [14] Schedule 1 Provisions relating to trustees and procedure of the Trust**
Omit “*Public Service Act 1979*” from clause 4.
Insert instead “*Public Sector Employment and Management Act 2002*”.
- [15] Schedule 1, clause 12 Common seal**
Omit the clause.

[16] Schedule 2 Transitional and other provisions

Omit “(Section 27)”. Insert before Part 1:

Part 1A Savings and transitional regulations

1A Regulations

- (1) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of this Act or any Act that amends this Act.
- (2) Any such provision may, if the regulations so provide, take effect from the date of assent to the Act concerned or a later date.
- (3) To the extent to which any such provision takes effect from a date that is earlier than the date of its publication on the NSW legislation website, the provision does not operate so as:
 - (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 the date of its publication, or
 - (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 the date of its publication.

[17] Schedule 2, clause 1

Insert “(being 2 November 1984)” after “commencement of section 27” in the definition of *commencement*.

[18] Schedule 2, clauses 3 (2), 4, 7, 8 and 10 and Parts 2A and 3

Omit the clauses and Parts.

[19] Schedule 2, clause 5

Insert “(being 9 March 1992)” after “commences” in the definition of *appointed day*.

[20] Schedule 2, Part 4

Transfer sections 15A, 15D–15G and 15I (which are repealed by item [7]), after the following heading, as clauses 12–17 of Schedule 2 and update cross-references of those provisions accordingly:

**Part 4 Provisions consequent on enactment of
Centennial Park and Moore Park Trust
Amendment Act 2012**

Centennial Park and Moore Park Trust Amendment Bill 2012

Schedule 2 Statute law revision amendments to Centennial Park and Moore Park Trust Act 1983 No 145

[21] Schedule 2, clause 12 (as inserted by item [20])

Omit “or the proposed road link” from the definition of *Eastern Distributor*.

[22] Schedule 2, clause 12 (as inserted by item [20])

Insert “(as in force immediately before its repeal)” after “section 15C (2)” in the definition of *revested land*.

[23] Schedule 2, clauses 13–17 (as inserted by item [20])

Omit “section”, “sections” and “subsection” wherever occurring.

Insert instead “clause”, “clauses” and “subclause”, respectively.

[24] Schedule 2, clause 17 (1) (as inserted by item [20])

Insert “(as in force immediately before the repeal of Schedule 3A)” after “items 2 and 3 of Schedule 3A”.

[25] Schedule 2, clause 18

Insert after clause 17 (as inserted by item [20]):

18 Savings relating to previous vestings and divestings of Trust lands

The amendments made to this Act by the *Centennial Park and Moore Park Trust Amendment Act 2012* do not affect:

- (a) the operation of any provision omitted by that Act that vested land (or any interest in land) in the Trust or that excluded any interest in land or other thing from that provision, or
- (b) the operation of any provision omitted by that Act that divested land (or any interest in land) in the Trust or that excluded any interest in land or other thing from that provision.

[26] Schedule 3 Moore Park and E S Marks Field

Omit the Schedule.

[27] Schedule 3A Affected land

Omit the Schedule.

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Statute law revision amendments to Centennial Park and Moore Park Trust Schedule 2
Act 1983 No 145

[28] Schedule 4 Sydney Showground

Omit the Schedule.