

# Centennial Park and Moore Park Trust Act 1983

## No 145

[1983-145]



New South Wales

### Status Information

#### Currency of version

Historical version for 4 July 2007 to 5 July 2009 (accessed 8 January 2025 at 1:03)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

#### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

#### Notes—

- **Previously named**  
Centennial Park Trust Act 1983
- **Does not include amendments by**  
[Miscellaneous Acts \(Local Court\) Amendment Act 2007 No 94](#) (not commenced)  
[Statute Law \(Miscellaneous Provisions\) Act 2009 No 56](#) (not commenced — to commence on 17.7.2009)

#### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 1 July 2009

# Centennial Park and Moore Park Trust Act 1983 No 145



New South Wales

## Contents

<b>Long title</b> .....	5
<b>Part 1 Preliminary</b> .....	5
1 Name of Act .....	5
2 Commencement .....	5
3 (Repealed) .....	5
4 Definitions .....	5
5 Specification of original land .....	6
<b>Part 2 The Centennial Park and Moore Park Trust</b> .....	6
6 Constitution of Trust .....	7
7 Appointment and procedure .....	7
7A Community consultation .....	7
8 Objects of Trust .....	8
9 Functions of Trust .....	8
10 Disposal of certain land prohibited .....	9
11 Dealings with certain property .....	9
12 Disposal of certain property .....	10
<b>Part 2A Plans of management</b> .....	10
12A Preparation of initial and subsequent plans of management .....	10
12B Adoption of plan of management .....	11
12C Carrying out of plan of management .....	11

12D Certain Acts not affected .....	11
12E Plans of management required for all Trust land .....	11
<b>Part 3 Administration .....</b>	<b>11</b>
13 (Repealed) .....	11
14 Director .....	11
15 Delegation by Trust.....	11
<b>Part 3A Provisions relating to the Eastern Distributor .....</b>	<b>12</b>
15A Definitions .....	12
15B Removal of certain land for purposes of Eastern Distributor .....	13
15C Temporary removal of other land for purposes of Eastern Distributor .....	13
15D Use of revested land by Roads and Traffic Authority .....	14
15E Use of revested land for landscaping and roads.....	14
15F Use of revested land for emergency pedestrian egress.....	15
15G Use of revested land for pump station and associated purposes .....	15
15H Grant of temporary licences for construction purposes .....	16
15I Grant of permanent licences for drainage and stability purposes .....	17
15J Compensation .....	18
15K Inspection of plan .....	18
15L Application of Roads Act 1993 .....	18
15M Monitoring by Environment Protection Authority .....	18
15N Review of environmental matters relating to the Eastern Distributor .....	18
15O Environmental assessment for Eastern Distributor .....	19
15P Agreements must not affect other project.....	19
<b>Part 4 Finance .....</b>	<b>19</b>
16 Financial year .....	19
17, 18 (Repealed) .....	19
<b>Part 4A Macquarie Sydney Common .....</b>	<b>19</b>
18A Definition of “RAS” .....	20
18B Sydney Showground vests in Trust.....	20
<b>Part 5 Miscellaneous .....</b>	<b>20</b>
19 Vesting of certain land in Trust .....	20

20 Grant of leases, easements and licences .....	20
20A Use of Trust lands for events attracting large crowds.....	21
20B Licence of land for public transport purposes .....	22
21 Annual report.....	23
22 Regulations.....	23
23 Liability of vehicle owner for certain offences .....	24
24 Penalty notices for certain offences.....	25
25 Proceedings for offences .....	26
26 Repeal of Act 51 Vic No 9 and Act No 23, 1904 .....	26
27 Transitional and other provisions.....	26
28 Repeal of certain provisions .....	26
<b>Schedule 1 Provisions relating to trustees and procedure of the Trust</b> ...	<b>26</b>
<b>Schedule 2 Transitional and other provisions</b> .....	<b>29</b>
<b>Schedule 3 Moore Park and E S Marks Field</b> .....	<b>34</b>
<b>Schedule 3A Affected land</b> .....	<b>34</b>
<b>Schedule 4 Sydney Showground</b> .....	<b>35</b>

# Centennial Park and Moore Park Trust Act 1983 No 145



New South Wales

An Act to constitute the Centennial Park and Moore Park Trust and define its functions; to vest certain land and other property in that Trust; and to repeal the *Centenary Celebration Act* and the *Centenary Park Sale Act 1904*.

## Part 1 Preliminary

### 1 Name of Act

This Act may be cited as the *Centennial Park and Moore Park Trust Act 1983*.

### 2 Commencement

- (1) Sections 1, 2, 4 (2) and 5 shall commence on the date of assent to this Act.
- (2) Except as provided by subsection (1), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette, being a day occurring not earlier than the day on which an order made under section 5 is so published.

### 3 (Repealed)

### 4 Definitions

- (1) In this Act, except in so far as the context or subject-matter otherwise indicates or requires:

**Director** means the Director of Centennial Park and Moore Park holding office as such under Chapter 1A of the *Public Sector Employment and Management Act 2002*.

**original land** means land for the time being vested in the Trust under section 18B or 19 (but does not include any land divested from the Trust under section 15B).

**plan of management** means a detailed scheme of operations to be undertaken in relation to the land vested in the Trust.

**regulation** means a regulation made under this Act.

**supplementary land** means land acquired by the Trust otherwise than by the operation of section 18B or 19.

**Trust** means the Centennial Park and Moore Park Trust constituted by section 6.

**Trust lands** means the original land and any supplementary land for the time being vested in the Trust.

**trustee** means a trustee referred to in section 7.

(2) In this Act, a reference to:

- (a) a Deposited Plan is a reference to a plan filed as a deposited plan in the Office of the Registrar-General,
- (b) a function includes a reference to a power, authority and duty, and
- (c) the exercise of a function includes, where the function is a duty, a reference to the performance of the duty.

(3) Notes included in this Act do not form part of this Act.

## 5 Specification of original land

(1) The Governor may, by order published in the Gazette, declare land, certified by the Registrar-General to be:

- (a) where the certificate is given before the *Centenary Celebration Act* is repealed—land to which that act applied when the certificate was given, or
- (b) where the certificate is given after the *Centenary Celebration Act* is repealed—land to which that Act applied immediately before that Act was repealed,

to be original land.

### Editorial note—

See Gazette No 154 of 2.11.1984, p 5426.

(2) Land may be described in an order made or a certificate given under subsection (1):

- (a) by reference to a Deposited Plan or to lots in a Deposited Plan,
- (b) by reference to points, bearings and distances, or
- (c) in such other manner as the Governor or Registrar-General considers appropriate.

## Part 2 The Centennial Park and Moore Park Trust

## **6 Constitution of Trust**

- (1) There is hereby constituted a corporation under the corporate name of the “Centennial Park and Moore Park Trust”.
- (2) The Trust:
  - (a) shall have and may exercise the functions conferred or imposed on it by or under this or any other Act,
  - (b) shall, for the purposes of any Act, be deemed to be a statutory body representing the Crown, and
  - (c) shall, in the exercise of its functions (except in relation to the contents of a report or recommendation made by it to the Minister), be subject to the control and direction of the Minister.

## **7 Appointment and procedure**

- (1) The Trust is to consist of:
  - (a) 7 trustees appointed by the Governor on the recommendation of the Minister, and
  - (b) 1 trustee appointed by the Governor on the recommendation of a majority of the members of the Community Consultative Committee established under section 7A, being a person who is a member of that Committee.
- (2) Schedule 1 has effect with respect to the trustees and procedure of the Trust.

### **7A Community consultation**

- (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) The procedure for community consultation is to include the establishment of a Community Consultative Committee whose members are to be appointed by the Trust on the recommendation of the Director.
- (3) The membership and procedure of the Committee is (subject to this section) to be as provided by the regulations.
- (4) The regulations may make provision for or with respect to the number of members, their appointment, term of office and removal and the filling of vacancies.
- (5) The Committee is to meet at least once in each quarter starting on 1 January, 1 April, 1 July and 1 October.

## **8 Objects of Trust**

The objects of the Trust are:

- (a) to maintain and improve the Trust lands,
- (b) to encourage the use and enjoyment of the Trust lands by the public by promoting and increasing the recreational, historical, scientific, educational, cultural and environmental value of those lands,
- (c) to maintain the right of the public to the use of the Trust lands,
- (d) to ensure the protection of the environment within the Trust lands, and
- (e) such other objects, consistent with the functions of the Trust in relation to the Trust lands, as the Trust considers appropriate.

## **9 Functions of Trust**

(1) The Trust may:

- (a) permit the use of the whole or any part of the Trust lands for activities of a recreational, historical, scientific, educational or cultural nature,
- (b) in or in connection with the Trust lands provide, or permit the provision of, food or other refreshments and apply for, hold or dispose of any licence, permit or other authority in connection therewith,
- (c) in pursuance of its objects, procure specimens and obtain scientific data from within or outside the State,
- (d) maintain, or make arrangements for the maintenance of, the property of the Trust,
- (e) in pursuance of its objects, carry out surveys, assemble collections and engage in scientific research, including research outside the State, with respect to botany and ornamental horticulture,
- (f) disseminate scientific information to the public and educational and scientific institutions, whether within or outside the State,
- (g) promote and provide exhibits, lectures, films, publications and other types of educational instruction relating to botany and ornamental horticulture,
- (h) subject to the regulations, charge and receive fees or other amounts for, or in connection with, any service provided, article sold or permission given by the Trust in its exercise of any of the powers granted to it by this section, which fees or other amounts shall be the property of the Trust, and
- (i) enter into any contract or arrangement with any person for the purpose of



promoting the objects of the Trust.

- (2) Subject to this Act and the regulations, the Trust shall have the control and management of all property vested in the Trust.
- (3) The Trust may agree to any condition that is not inconsistent with its objects being imposed on its acquisition of any property.
- (4) Where, by gift inter vivos, devise or bequest, the Trust acquires property, it may retain the property in the form in which it is acquired, subject to any condition agreed to by the Trust under subsection (3) in relation to the property.
- (5) The rule of law against remoteness of vesting does not apply to a condition to which the Trust has agreed under subsection (3).
- (6) The *Stamp Duties Act 1920* does not apply to or in respect of any gift inter vivos, devise or bequest made or to be made to the Trust.
- (7) The Trust may establish such committees as it thinks fit for the purpose of assisting it to exercise its functions.
- (8) A person may be appointed to a committee whether or not the person is a trustee.
- (9) The Trust may establish, control and manage branches or departments with respect to the Trust lands, or any part thereof.
- (10) The Trust shall have, and may exercise, such functions, in addition to those specified in this section, as are reasonably necessary for the attainment of its objects, but may borrow money only in accordance with the *Public Authorities (Financial Accommodation) Act 1981*.
- (11) The Trust may, and when requested by the Minister shall, make reports and recommendations to the Minister with respect to any matter relating to the objects of the Trust and in particular with respect to the future management of Trust lands.
- (12) The Trust cannot employ any staff.

**Note—**

Staff may be employed under Chapter 1A of the *Public Sector Employment and Management Act 2002* in the Government Service to enable the Trust to exercise its functions.

## **10 Disposal of certain land prohibited**

Subject to Part 3A and section 20 (2), the Trust shall not sell, mortgage, demise or otherwise dispose of any of the original land.

## **11 Dealings with certain property**

- (1) In this section, **condition** means a condition to which the Trust has agreed under

section 9 (3).

- (2) Subject to subsection (3), the Trust shall not sell, mortgage, demise or otherwise dispose of any property acquired by gift inter vivos, devise or bequest, or any property being supplementary land otherwise acquired, except:
  - (a) where the property was acquired without any condition—with the approval of the Minister (which may be given in respect of any case or class of cases), or
  - (b) where the property was acquired subject to a condition—in accordance with the condition or section 12.
- (3) Subject to section 9 (4), and except to the extent that it would be in breach of a condition, the Trust shall invest any of its funds not immediately required for the purposes of the Trust in any manner authorised by law for the investment of trust funds.

## **12 Disposal of certain property**

- (1) Subject to subsection (2), where the Trust resolves that any property that has been acquired by the Trust subject to a condition to which the Trust has agreed under section 9 (3) is not required for the purposes of the Trust, the Trust may:
  - (a) sell the property and retain the proceeds of the sale as property of the Trust,
  - (b) exchange the property for other property,
  - (c) give the property to an educational or scientific institution, or
  - (d) if the Trust is of the opinion that the property is of no commercial value—dispose of the property without valuable consideration,notwithstanding the condition subject to which the property was acquired.
- (2) The Trust shall not sell, exchange, give or dispose of any property under subsection (1) except with the consent of the Minister and in accordance with any condition the Minister may impose upon the grant of that consent.
- (3) The Minister may consent to the sale, exchange, gift or disposal of property for the purposes of this section and may impose any condition the Minister thinks fit upon the grant of that consent.

## **Part 2A Plans of management**

### **12A Preparation of initial and subsequent plans of management**

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

#### **12B Adoption of plan of management**

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.

#### **12C Carrying out of plan of management**

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

#### **12D Certain Acts not affected**

This Part does not affect the operation of the [Local Government Act 1993](#) or the [Environmental Planning and Assessment Act 1979](#).

#### **12E Plans of management required for all Trust land**

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.

### **Part 3 Administration**

#### **13 (Repealed)**

#### **14 Director**

- (1) The Director is responsible for the administration and management of the Trust lands and any services provided in conjunction therewith.
- (2) The Director is, in the exercise of the Director's functions under this Act, subject to the control and direction of the Trust.

#### **15 Delegation by Trust**

- (1) The Trust may, by instrument in writing, delegate to the Director, the secretary to the Trust, a trustee or an authorised person the exercise of such of its functions (other

than this power of delegation) as are specified in the instrument of delegation and may, by a like instrument, revoke wholly or partly any such delegation.

- (2) A delegation under this section may be made subject to such conditions or such limitations as to the exercise of any of the functions delegated, or as to time or circumstances, as are specified in the instrument of delegation.
- (3) A function the exercise of which has been delegated under this section may, while the delegation remains unrevoked, be exercised from time to time in accordance with the terms of the delegation.
- (4) Notwithstanding any delegation under this section, the Trust may continue to exercise all or any of the functions delegated.
- (5) Any act or thing done or suffered by a delegate under this section has the same force and effect as it would have if it had been done or suffered by the Trust and shall be deemed to have been done or suffered by the Trust.
- (6) In this section, **authorised person** means any person employed under Chapter 1A of the *Public Sector Employment and Management Act 2002* in the Government Service to enable the Trust to exercise its functions.

## Part 3A Provisions relating to the Eastern Distributor

### 15A Definitions

In this Part:

**Eastern Distributor** means the road link or the proposed road link between the Cahill Expressway and Mill Pond Road, Botany.

**plan** means the plan consisting of two sheets numbered Sheets 1 and 2 of Plan No 6007 413 SP0007, presented to the Speaker of the Legislative Assembly (by or on behalf of the Member of the Assembly who introduced the Bill for the *Centennial Park and Moore Park Trust Amendment (Eastern Distributor) Act 1997*) when the Bill was introduced into the Assembly, a copy of which is also lodged in the office of the Roads and Traffic Authority.

**revested land** means the land vested in the Trust by section 15C (2).

**road work** and **carry out road work** have the same meanings as they have in the *Roads Act 1993*.

**traffic control facility** and **carry out traffic control work** have the same meanings as they have in the *Roads Act 1993*.

**vesting date** means:

- (a) 31 August 2001, or

- (b) the date that is the first anniversary of the date on which the Eastern Distributor is first open to traffic,

whichever first occurs.

### **15B Removal of certain land for purposes of Eastern Distributor**

The land shown coloured pink on the plan is divested from the Trust and is, by this section, instead vested in the Roads and Traffic Authority for an estate in fee simple, freed and discharged from any trusts, obligations, estates, interests, contracts, charges, rates, rights-of-way or other easements, existing immediately before the land is so vested.

### **15C Temporary removal of other land for purposes of Eastern Distributor**

- (1) The land shown hatched green on the plan is divested from the Trust and is, by this subsection, instead vested in the Roads and Traffic Authority for an estate in fee simple, freed and discharged from any trusts, obligations, estates, interests, contracts, charges, rates, rights-of-way or other easements, existing immediately before the land is so vested, subject to the rights created by the easements referred to in subsection (3).
- (2) The land referred to in subsection (1) vested in the Roads and Traffic Authority is, on and from the vesting date, by this subsection, instead vested in the Trust for an estate in fee simple, freed and discharged from any trusts, obligations, estates, interests, contracts, charges, rates, rights-of-way or other easements, existing immediately before the land is so vested, subject to any rights in relation to the land created under section 15D, 15H or 15I and to the rights created by the easements referred to in subsection (3).
- (3) The vesting or re-vesting of land under subsection (1) or (2) does not extinguish:
- (a) the easement for electricity purposes affecting Lot 1762 in Deposited Plan 821362, as referred to in Certificate of Title folio 1762/821362 immediately before the date the land is so vested, or
  - (b) the easement for electricity purposes affecting Lot 1772 in Deposited Plan 821362, as referred to in Certificate of Title folio 1772/821362 immediately before the date the land is so vested.
- (4) The re-vesting of any land by subsection (2) that is a public road within the meaning of the [Roads Act 1993](#) does not affect the status of the land as a public road and any such road is taken to be a public road vested in the Trust.
- (5) Without affecting the generality of subsection (4) and without limiting the operation of the [Roads Act 1993](#) in relation to the land referred to in that subsection, that land can be the subject of orders under Part 5 of that Act (which relates to the classification of roads).

### **15D Use of revested land by Roads and Traffic Authority**

- (1) The Roads and Traffic Authority has, on such terms and conditions as are agreed from time to time by the Minister for the Environment and the Minister for Roads, a permanent licence for the use and occupation of those parts of the revested land specified in sections 15E-15G for the carrying out of purposes specified in those sections in respect of the land.
- (2) The licence under this section commences on and from the vesting date.
- (3) The licence under this section extends, if it is necessary for carrying out the purposes to which the licence relates, to allow exclusive use and occupation for carrying out those purposes on, under or above the surface of the land or in relation to a stratum above or below the surface of the land.
- (4) The Minister for the Environment may, with the concurrence of the Minister for Roads, by order published in the Gazette, specify additional land of the Trust that is to be subject to the licence under this section for the purposes set out in section 15G (b) and (c) and purposes ancillary to those purposes. Any such order has effect according to its tenor.
- (5) The Trust must not:
  - (a) take any action, or carry out any function, in relation to or that affects the revested land in a way that is inconsistent with the licence conferred on the Roads and Traffic Authority by this section, or
  - (b) take any action, or carry out any function, that interferes with or obstructs the use of the land by the Roads and Traffic Authority in accordance with the licence.
- (6) The Roads and Traffic Authority may, with the approval of the Minister for Roads, assign to a person or body involved in the operation of the Eastern Distributor, or an associated activity, any of the rights, functions or entitlements conferred on the Authority by this section.
- (7) Without limiting subsection (1), the terms and conditions agreed by the Ministers under that subsection may make provision for or with respect to the following matters:
  - (a) functions that may be exercised by the Roads and Traffic Authority in respect of the land subject to the licence,
  - (b) functions that may be exercised by the Trust in respect of any such land.

### **15E Use of revested land for landscaping and roads**

For the purposes of section 15D, the Roads and Traffic Authority may use the whole or part of that part of the revested land located on the eastern side of South Dowling Street, between the intersections of that street with Fitzroy Street and Maddison Street, for the

following purposes:

- (a) carrying out road work (other than road work for the purposes of adding additional lanes to the Eastern Distributor or South Dowling Street),
- (b) carrying out traffic control work,
- (c) the carrying out, maintenance, repair, removal or replacement of landscaping associated with the Eastern Distributor (but only after consulting the Trust),
- (d) carrying out inspections of works on the land,
- (e) cleaning any works, buildings or other structures on the land,
- (f) any purpose ancillary to a purpose specified in paragraphs (a)-(e).

**15F Use of revested land for emergency pedestrian egress**

For the purposes of section 15D, the Roads and Traffic Authority may use the whole of that part of the revested land located in Lot 1759 in Deposited Plan 821362, known as “Drivers Triangle”, Moore Park, for the following purposes:

- (a) carrying out road work or traffic control work, but only road work or traffic control work relating to an emergency pedestrian egress for the purposes of the Eastern Distributor,
- (b) carrying out inspections of works on the land,
- (c) cleaning any works, buildings or other structures on the land,
- (d) any purpose ancillary to a purpose specified in paragraphs (a)-(c).

**15G Use of revested land for pump station and associated purposes**

For the purposes of section 15D, the Roads and Traffic Authority may use the part of the revested land shown as “Pump station” on Sheet 1 of the plan for the following purposes:

- (a) the maintenance, repair, removal or replacement of a pump station for the purposes of the Eastern Distributor,
- (b) the laying, maintenance, repair, removal or replacement of pipes and other connections between the pump station and underground drainage systems, between the pump station and the Eastern Distributor, and between the pump station and detention basins,
- (c) the laying, maintenance, repair, removal or replacement of service connections for the purposes of the pump station,
- (d) carrying out inspections of works on the land,

- (e) cleaning any works, buildings or other structures on the land,
- (f) any purpose ancillary to a purpose specified in paragraphs (a)–(e).

**15H Grant of temporary licences for construction purposes**

- (1) For the purposes of the carrying out of road work or traffic control work connected with the Eastern Distributor, the Trust is, as directed from time to time by the Minister for the Environment and the Minister for Roads, required to grant licences to the Roads and Traffic Authority, on such terms and conditions as are determined by those Ministers, for the use of any part of the land referred to in Schedule 3A for the carrying out of such works.
- (2) Without limiting subsection (1), a licence may be granted under this section in respect of land referred to in Schedule 3A for the following purposes:
  - (a) the use of the land for a bypass road,
  - (b) the use of the land for a construction site compound, including its use for employees' amenities, the storage of machinery and materials and parking and its use for other activities related to the construction of the Eastern Distributor (such as the dewatering of excavations and other works related to the preservation of the water table),
  - (c) carrying out inspections of works on the land,
  - (d) cleaning any works, buildings or other structures on the land,
  - (e) any purpose ancillary to a purpose specified in paragraphs (a)–(d).
- (3) The Trust is, as directed from time to time by the Minister for the Environment and the Minister for Roads, required to grant licences to the Roads and Traffic Authority, on such terms and conditions as are determined by those Ministers, for the use of any part of the land shown hatched brown on the plan for the following purposes:
  - (a) the installation, maintenance, repair, removal or replacement of temporary soil nails or temporary rock anchors beneath the surface of the land for the purposes of the Eastern Distributor,
  - (b) any purpose ancillary to a purpose specified in paragraph (a).
- (4) A licence granted under this section may not have a term that, together with the term of any other licence granted for the same purposes under this section, exceeds 5 years.
- (5) A licence granted under this section may permit the Roads and Traffic Authority to assign to a person or body involved in the operation of the Eastern Distributor, or an associated activity, any of the rights, functions or entitlements conferred on the



Authority by the licence.

- (6) The Trust may not revoke or vary a licence granted under this section, except with the approval of the Minister for the Environment and the Minister for Roads.
- (7) The Roads and Traffic Authority may, by notice published in the Gazette, dedicate any part of the land subject to a licence under this section as a public road.
- (8) On publication of the notice, the land is dedicated as a public road for the purposes of the *Roads Act 1993* until the end of the last of any licences under this section affecting the land, or the notice is revoked by notice published in the Gazette by the Roads and Traffic Authority, whichever occurs first.

### **15I Grant of permanent licences for drainage and stability purposes**

- (1) The Trust is, as directed from time to time by the Minister for the Environment and the Minister for Roads, required to grant permanent licences to the Roads and Traffic Authority, on such terms and conditions as are determined by those Ministers, for the use of any part of the land listed in items 2 and 3 of Schedule 3A for the following purposes:
  - (a) the construction, enlargement, extension, maintenance, repair, removal or replacement of earth mounds and associated works to enlarge and extend existing detention basins for drainage purposes as a consequence of the construction of the Eastern Distributor,
  - (b) carrying out inspections of works on the land,
  - (c) cleaning any works, buildings or other structures on the land,
  - (d) any purpose ancillary to a purpose specified in paragraphs (a)-(c).
- (2) The Trust is, as directed from time to time by the Minister for the Environment and the Minister for Roads, required to grant licences to the Roads and Traffic Authority, on such terms and conditions as are determined by those Ministers, for the use of any part of the land shown hatched mauve on the plan for the following purposes:
  - (a) the installation, maintenance, repair, removal or replacement of soil nails or rock anchors beneath the surface of the land for the purposes of the Eastern Distributor,
  - (b) any purpose ancillary to a purpose specified in paragraph (a).
- (3) A licence granted under this section may permit the Roads and Traffic Authority to assign to a person or body involved in the operation of the Eastern Distributor, or an associated activity, any of the rights, functions or entitlements conferred on the Authority by the licence.

- (4) The Trust may not revoke or vary a licence granted under this section, except with the approval of the Minister for the Environment and the Minister for Roads.
- (5) The Trust must consult with the Roads and Traffic Authority before taking any action or carrying out any activity that may:
  - (a) affect the effectiveness or capacity of any drainage works for which a licence under this section is granted, or
  - (b) affect any soil nails or rock anchors for which a licence under this section is granted.

### **15J Compensation**

- (1) Compensation for the acquisition, licensing and use of the land referred to in this Part is to be provided by the Roads and Traffic Authority and is to be as agreed between the Trust and the Authority.
- (2) If the Trust and the Roads and Traffic Authority fail to agree, compensation is to be as directed by the Minister for the Environment with the concurrence of the Minister for Roads.
- (3) If compensation is paid in accordance with an agreement under this section, no further compensation is payable by the Roads and Traffic Authority to the Trust in respect of the acquisition, licensing and use of the land referred to in this Part.

### **15K Inspection of plan**

The Roads and Traffic Authority must make copies of the plan available for inspection by the public at its head office during ordinary office hours and may charge an inspection fee for that purpose.

### **15L Application of [Roads Act 1993](#)**

The [Roads Act 1993](#) applies to the exercise of functions by the Roads and Traffic Authority under this Act.

### **15M Monitoring by Environment Protection Authority**

- (1) The Environment Protection Authority has the function of monitoring compliance with any licence or other authority granted by it under any Act in connection with the construction of the Eastern Distributor.
- (2) This section is in addition to, and does not derogate from, the provisions of any other Act or statutory instrument.

### **15N Review of environmental matters relating to the Eastern Distributor**

- (1) The Minister for Roads must appoint a community consultative committee for the

Eastern Distributor.

- (2) The community consultative committee is to consist of such members, appointed for such terms, as may be determined by the Minister for Roads.
- (3) The community consultative committee has the function of advising the Roads and Traffic Authority on environmental issues relating to the Eastern Distributor, as requested by the Authority.
- (4) The Roads and Traffic Authority must, not later than 4 months after the end of its financial year, conduct a review of environmental issues relating to the Eastern Distributor that have occurred in the 12 month period preceding the review.
- (5) In carrying out the review, the Roads and Traffic Authority must consult with, and consider any submissions made by, the Environment Protection Authority and the community consultative committee.
- (6) The report of the review must be included in the annual report of the Roads and Traffic Authority prepared under the *Annual Reports (Statutory Bodies) Act 1984*.

#### **15O Environmental assessment for Eastern Distributor**

A report by the Director-General of the Department of Urban Affairs and Planning to the Minister under the *Environmental Planning and Assessment Act 1979* relating to consent under Division 4 of Part 5 of that Act must contain advice about the need to acquire Trust land for the purposes of the Eastern Distributor and must be made publicly available.

#### **15P Agreements must not affect other project**

- (1) The Roads and Traffic Authority, or any other person or body on behalf of the Authority or the Government, must not enter into any agreement or understanding relating to, or connected with, the construction, operation or use of the Eastern Distributor that contains a provision likely to prevent the provision of an east-west cross city road tunnel.
- (2) A term of an agreement or understanding is void to the extent that it contravenes subsection (1).

### **Part 4 Finance**

#### **16 Financial year**

The financial year of the Trust shall be the year commencing on 1 July.

#### **17, 18 (Repealed)**

### **Part 4A Macquarie Sydney Common**

### **18A Definition of “RAS”**

In this Part:

**RAS** means the Royal Agricultural Society of New South Wales.

### **18B Sydney Showground vests in Trust**

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

## **Part 5 Miscellaneous**

### **19 Vesting of certain land in Trust**

- (1) Land declared to be original land by an order published in the Gazette under section 5 (1) shall:
  - (a) if the order is so published on or before the commencement of this section—on that commencement, or
  - (b) if the order is so published after the commencement of this section—on the publication of the order,

vest in the Trust for an estate in fee simple freed and discharged from any trusts, obligations, estates, interests, charges and rates existing immediately before the land is so vested.

- (1A) The land described in Schedule 3 is by this Act vested in the Trust for an estate in fee simple.
- (2) Notwithstanding anything contained in any other Act and subject to this Act, the original land shall not be appropriated or resumed except by an Act of Parliament.

### **20 Grant of leases, easements and licences**

- (1) In this section, **easement** includes an easement without a dominant tenement referred to in section 88A of the [Conveyancing Act 1919](#).

- (2) The Trust may, for the purpose of the provision of services to be enjoyed in connection with the Trust lands and consistently with the good management of those lands, from time to time and upon such terms and conditions as are approved by the Minister, grant:
- (a) subject to subsection (3), leases of parts of the Trust lands,
  - (b) easements through, upon or in the Trust lands:
    - (i) for the construction of pipelines, the laying or re-laying of cables or the construction of any apparatus to be used in connection with those pipelines or cables,
    - (ii) for the purpose of providing access to the dwellings situated on or within those lands, or
    - (iii) for any other purpose it considers necessary and that would directly or indirectly assist in the attainment of its objects, and
  - (c) licences for the use of parts of the Trust lands.
- (3) A lease granted pursuant to subsection (2) (a) may not have a term that, together with the term of any further lease which may be granted pursuant to an option contained in the lease, exceeds 20 years.
- (4) Sections 88A and 181A of the [Conveyancing Act 1919](#) apply to and in respect of an instrument purporting to grant an easement under subsection (2) (b).
- (5) Without limiting the generality of subsection (2) (c), the Trust may, from time to time and upon such terms and conditions as are approved by the Minister, grant licences authorising entry upon the Trust lands for the purpose of the maintenance, re-laying or repair of any pipelines or cables or the maintenance or repair of any apparatus used in connection therewith, being pipelines, cables or apparatus situated on or in those lands at the commencement of this section.

## **20A Use of Trust lands for events attracting large crowds**

- (1) The Trust is under a duty not to authorise the use or enter into arrangements for the use of any Trust lands for the purpose of a concert or other event for which it is reasonably anticipated that more than 20,000 persons at one time will resort to the land, unless the use of the land for that purpose is authorised by a regulation relating specifically to that concert or other event or to a class of concerts or other events that includes that concert or other event.
- (2) Such a regulation is not effective unless written notice, in accordance with section 40 of the [Interpretation Act 1987](#), of the making of the regulation has been laid before each House of Parliament and at least 5 sitting days have elapsed in each House since the date on which that notice was given in the House concerned.

- (3) A regulation made in accordance with this section may impose or provide for the imposition of conditions on the use of the land for the purpose contemplated by the regulation.

## **20B Licence of land for public transport purposes**

- (1) The Minister for Transport has, on such terms and conditions as are agreed from time to time by the Minister for the Environment and the Minister for Transport, a permanent licence for the use of the land described in subsection (2) for public transport purposes and purposes ancillary to those purposes.
- (2) The land the subject of the licence conferred by this section is the land shown as the site of a proposed easement for a public transport corridor within Lots 1763, 1769, 1770 and 1771 in Deposited Plan 821362.
- (3) The Trust must not:
  - (a) take any action, or carry out any function, in relation to or that affects the revested land in a way that is inconsistent with the licence conferred on the Minister for Transport by this section, or
  - (b) take any action, or carry out any function, that interferes with or obstructs the use of the land by the Minister for Transport in accordance with the licence.
- (4) The Minister for Transport may assign to a person or body any of the rights, functions or entitlements conferred on the Minister for Transport by the licence.
- (5) Without limiting subsection (1), the terms and conditions agreed by the Ministers under that subsection may make provision for or with respect to the following matters:
  - (a) functions that may be exercised by the Minister for Transport in respect of the land subject to the licence,
  - (b) functions that may be exercised by the Trust in respect of any such land.
- (6) The Minister for Transport may enter into arrangements for the provision of an integrated light rail and bus system between Central Station and the University of New South Wales, via Moore Park, subject to feasibility studies in relation to such a project.
- (7) Without limiting subsection (1), the purposes for which the land described in subsection (2) may be used include purposes related to an integrated system of light rail and bus services.
- (8) The Trust may, for purposes related to an integrated system of light rail and bus services, from time to time and on such conditions as are approved by the Minister, grant leases or licences of Trust land (other than land described in subsection (2)).

## **21 Annual report**

- (1) As soon as practicable after 30 June, but on or before 30 September, in each year, the Trust shall prepare and forward to the Minister a report of its work and activities for the 12 months ending on 30 June in that year.
- (2) The Minister shall lay the report or cause it to be laid before both Houses of Parliament as soon as practicable after receiving the report.

## **22 Regulations**

- (1) In this section, a reference to the Trust lands includes a reference to any part of the Trust lands.
- (2) The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act and, in particular, for or with respect to:
  - (a) the use and enjoyment of the Trust lands,
  - (b) the care, control and management of the Trust lands,
  - (c) the determination and payment of fees for:
    - (i) the use of the playing fields situated within the Trust lands,
    - (ii) the use of formed paths, tracks and roads within the Trust lands,
    - (iii) filming or photographing within the Trust lands for the purposes of cinema or television productions or commercial use,
    - (iv) the use or purchase of any written or other material that is the property of the Trust, and
    - (v) such other articles or services as the Trust may provide,
  - (d) the meetings of the Trust, and
  - (e) the committees of the Trust.
- (3) A regulation may impose a penalty not exceeding 10 penalty units for any breach of a regulation.
- (4) A provision of a regulation may:
  - (a) apply generally or be limited in its application by reference to specified exceptions or factors,
  - (b) apply differently according to different factors of a specified kind, or

(c) authorise any matter or thing to be from time to time determined, applied or regulated by a specified person or body,

or may do any combination of those things.

### **23 Liability of vehicle owner for certain offences**

- (1) Where an offence against any regulation occurs in relation to any vehicle, the person who at the time of the occurrence of the offence is the owner of the vehicle shall, by virtue of this section, be guilty of an offence against the regulation as if the person were the actual offender guilty of the offence unless:
  - (a) in any case where the offence is dealt with under section 24, the person satisfies a prescribed officer described in the notice served under that section that the vehicle was at the relevant time a stolen vehicle or a vehicle illegally taken or used, or
  - (b) in any other case, the court is satisfied that the vehicle was at the relevant time a stolen vehicle or a vehicle illegally taken or used.
- (2) Nothing in this section shall affect the liability of the actual offender but where a penalty has been imposed on or recovered from any person in relation to any such offence no further penalty shall be imposed on or recovered from any other person in relation thereto.
- (3) Notwithstanding subsection (1), no owner of a vehicle shall, by virtue of that subsection, be guilty of an offence if:
  - (a) in any case where the offence is dealt with under section 24, the person:
    - (i) within 21 days after service on the person of a notice under that section alleging that the person has been guilty of the offence, supplies by statutory declaration to a prescribed officer described in the notice the name and address of the person who was in charge of the vehicle at all relevant times relating to the offence, or
    - (ii) satisfies that prescribed officer that the person did not know and could not with reasonable diligence have ascertained that name and address, or
  - (b) in any other case, the person:
    - (i) within 21 days after service on the person of a summons in respect of the offence, supplies by statutory declaration to the informant the name and address of the person who was in charge of the vehicle at all relevant times relating to the offence, or
    - (ii) satisfies the court that the person did not know and could not with reasonable diligence have ascertained that name and address.



- (4) A statutory declaration under subsection (3) if produced in any proceedings against the person named therein and in relation to the offence in respect of which the statutory declaration was supplied shall be prima facie evidence that that person was in charge of the vehicle at all relevant times relating to that offence.
- (5) A statutory declaration which relates to more than one offence shall be deemed not to be a statutory declaration under, or for the purposes of, subsection (3).

- (6) In this section:

**owner** of a vehicle includes the responsible person for the vehicle within the meaning of the *Road Transport (General) Act 2005*.

## **24 Penalty notices for certain offences**

- (1) Where it appears to a prescribed officer that any person has committed, or by virtue of section 23 is guilty of, any offence against any regulation, the officer may serve a notice on that person to the effect that, if that person does not desire to have the matter determined by a court, that person may pay to the secretary to the Trust within the time specified therein an amount of penalty prescribed for the offence if dealt with under this section.
- (2) Any notice under subsection (1):
  - (a) may be served personally or by post, or
  - (b) if it relates to an offence of which the owner of a vehicle is guilty by virtue of section 23, may be addressed to the owner without naming the owner or stating the address of the owner and may be served by leaving it on or attaching it to the vehicle.
- (3) Any person alleged to have committed or to be guilty of an offence to which subsection (1) applies shall have the right to decline to be dealt with under this section.
- (4) Any person who fails to pay the penalty within the time specified in the notice served on the person under subsection (1) or within such further time as may in any particular case be allowed by a prescribed officer shall be deemed to have declined to be dealt with under this section.
- (5) Where the amount of any penalty prescribed for an alleged offence is paid pursuant to this section no person shall be liable for any further proceedings for the alleged offence.
- (6) Payment of a penalty pursuant to this section shall not be regarded as an admission of liability for the purpose of nor in any way affect or prejudice any civil claim, action or proceeding arising out of the same occurrence.

- (7) The provisions of this section are supplemental to and not in derogation of the provisions of any other section of this Act or any other Act in relation to proceedings which may be taken in respect of offences.

## **25 Proceedings for offences**

- (1) Proceedings for an offence against this Act or the regulations may be disposed of summarily before a Local Court.
- (2) Any such proceedings may be commenced only within 12 months after the time when the offence is alleged to have been committed.

## **26 Repeal of Act 51 Vic No 9 and Act No 23, 1904**

The *Centenary Celebration Act* and the *Centenary Park Sale Act 1904* are repealed.

## **27 Transitional and other provisions**

Schedule 2 has effect.

## **28 Repeal of certain provisions**

The several provisions of sections 17 and 18 shall be repealed on such day or days as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

### **Editorial note—**

Proclamation published in Gazette No 154 of 2.11.1984, p 5426, appointed 2.11.1984 as the day on which secs 17 and 18 were repealed.

# **Schedule 1 Provisions relating to trustees and procedure of the Trust**

(Section 7 (2))

## **1 Certain persons ineligible for appointment**

A person:

- (a) (Repealed)
- (b) who is a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the *Mental Health Act 1958* or a person under detention under Part 7 of that Act, or
- (c) who is a bankrupt, who is applying to take the benefit of any law for the relief of bankrupt or insolvent debtors, whose debts are subject to a composition with his or her creditors or whose remuneration would, upon his or her appointment, be subject to an assignment for their benefit,

is not eligible to be appointed as a trustee.

## **2 Appointment of deputy**

- (1) In the case of the illness or absence of any trustee, the Minister may appoint a person as a deputy to act in the place of the trustee during that illness or absence.
- (2) A deputy appointed under this clause shall, while acting as a deputy, have all the functions of a trustee.
- (3) A deputy appointed under this clause shall, if the Minister thinks fit, be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of the deputy.
- (4) No person shall be concerned to inquire whether or not any occasion has arisen requiring or authorising a person to act in the place of a trustee, or as to the necessity or propriety of any appointment of a deputy, and all acts and things done or omitted by a deputy when so acting shall be as valid and shall have the same consequences as if they had been done or omitted by the trustee for whom the deputy is acting.
- (5) For the purposes of this clause, a vacancy in the office of a trustee shall be deemed to be an absence from office of the trustee.

## **3 Term of office**

- (1) The term of office of a trustee shall be, and, unless the trustee vacates that office during the term, a trustee shall hold office for, such period not exceeding 4 years as may be specified in the instrument appointing the trustee.
- (2) A trustee whose term of office expires may, subject to clause 1, be re-appointed as a trustee.

## **4 Certain provisions not to apply in respect of trustees**

The [Public Service Act 1979](#) does not apply to or in respect of the appointment of a trustee and a trustee is not, as a trustee, subject to that Act.

## **5 Allowances for trustees**

A trustee and a member of a committee established under section 9 who is not a trustee shall, if the Minister thinks fit, be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of each of them.

## **6 Removal from office**

The Governor may, for any cause which to the Governor seems sufficient, remove a trustee from office.

## **7 Vacation of office**

A trustee shall be deemed to have vacated office if the trustee:

- (a) dies,
- (b) resigns the office by instrument in writing addressed to the Minister,
- (c) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with the trustee's creditors or makes an assignment of the trustee's remuneration or estate for their benefit,
- (d) becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the *Mental Health Act 1958* or a person under detention under Part 7 of that Act,
- (e) is absent from 3 consecutive ordinary meetings of the Trust of which notice has been given to the trustee personally or in the ordinary course of post and is not before the expiration of 6 weeks after the latest of those meetings excused by the Trust for the trustee's absence from the meetings, or
- (f) is removed from office by the Governor.
- (g) (Repealed)

## **8 Chairman**

- (1) For the purposes of this clause, a trustee shall not be considered to have ceased to be a trustee by reason only of the term of office of the trustee as a trustee having expired if the trustee is re-appointed by the Governor as a trustee for a term commencing immediately after the date on which the term of office of the trustee expires.
- (2) The Chairman of the Trust shall be such trustee as the Minister nominates as Chairman.
- (3) A Chairman holds office until the nomination of a successor under this clause or until the trustee ceases to be a trustee, whichever first occurs.
- (4) At a meeting of the Trust:
  - (a) the Chairman, or
  - (b) in the absence of the Chairman or if it is a meeting held when no person holds the office of Chairman—a chairman elected by trustees present at the meeting from among their number,shall preside.

## 9 Procedure, quorum etc

- (1) The procedure for the calling of meetings of the Trust and the conduct of business at those meetings shall, subject to this Schedule and any regulation, be as determined by the Trust.
- (2) The Minister shall call the first meeting of the Trust by giving notice to the trustees in such way as the Minister thinks fit.
- (3) A majority of the number of trustees for the time being holding office shall form a quorum and any duly convened meeting of the Trust at which a quorum is present shall be competent to transact any business of the Trust and shall have and may exercise all the functions of the Trust.
- (4) The person presiding at a meeting of the Trust shall, in the event of an equality of votes, have, in addition to a deliberative vote, a second or casting vote.
- (5) A decision supported by a majority of the votes cast at a meeting of the Trust at which a quorum is present shall be the decision of the Trust.

## 10 Minutes of meetings

The secretary to the Trust shall cause minutes of each meeting of the Trust to be recorded and preserved.

## 11 The Director

The Director:

- (a) is entitled to be heard by the Trust on any matter considered by the Trust and, unless the Trust otherwise directs, is entitled to be present at each meeting of the Trust, and
- (b) is an ex officio member of each committee of the Trust.

## 12 Common seal

The common seal of the Trust shall be kept by the secretary to the Trust.

# Schedule 2 Transitional and other provisions

(Section 27)

## Part 1 Centennial Park

### 1 Definitions

In this Part:

**commencement** means the commencement of section 27.

**corporation** means the corporation sole constituted by section 2 of the repealed Act.

**repealed Act** means the *Centenary Celebration Act*.

## **2 Construction of other instruments etc**

- (1) A reference to the Chief Minister or the corporation in any instrument in relation to any gift inter vivos, devise or bequest, which gift inter vivos, devise or bequest would, but for the enactment of this Act, have vested in the corporation shall be construed as a reference to the Trust.
- (2) A reference in any other Act, or in any by-law, regulation, ordinance or any other instrument or document whatever, which took effect or was made before the commencement:
  - (a) to Centennial Park, or any part thereof, or
  - (b) to Queen's Park, or any part thereof,shall be construed as a reference to the corresponding part of the original land.
- (3) A reference in any other Act, or in any by-law, regulation, ordinance or any other instrument or document whatever, to the Chief Minister in the Chief Minister's capacity as the corporation shall be construed as a reference to the Trust.

## **3 Vesting of assets etc**

- (1) On and from the commencement:
  - (a) all property, whether real or personal, all rights and interests therein and all control and management thereof that, immediately before the commencement, belonged to or was or were vested in the corporation shall vest in the Trust,
  - (b) all money and liquidated and unliquidated claims that, immediately before the commencement, was or were payable to or recoverable by the corporation shall be money and liquidated and unliquidated claims payable to or recoverable by the Trust,
  - (c) all money and liquidated and unliquidated claims for which the corporation would, but for the enactment of this Act, have been liable shall be money and liquidated and unliquidated claims for which the Trust shall be liable,
  - (d) all proceedings commenced by the corporation and pending immediately before the commencement shall be deemed to be proceedings pending on the commencement by the Trust and all proceedings so commenced by any person against the corporation and pending immediately before the commencement shall be deemed to be proceedings pending on the commencement by that person against the Trust,
  - (e) all deeds, contracts, agreements, arrangements and undertakings entered into

with the corporation in relation to the original land and in force immediately before the commencement shall be deemed to be deeds, contracts, agreements, arrangements and undertakings entered into with the Trust,

(f) the Trust may, in addition to pursuing any other remedies or exercising any other powers that may be available to it, pursue the same remedies for the recovery of money and claims referred to in this subclause and for the prosecution of proceedings so referred to, as the corporation might have done but for the enactment of this Act, and

(g) all acts, matters and things done or omitted by, or done or suffered in relation to, the corporation, being acts, matters or things not referred to in the foregoing provisions of this subclause, shall have the same force and effect as if they had been done or omitted by, or done or suffered in relation to, the Trust.

(2) This clause has effect notwithstanding section 19 (1).

#### **4 Savings**

(1) The Centennial Park Regulations, as in force immediately before the commencement, shall, on the commencement, be deemed to be regulations made under this Act.

(2) A reference in the Regulations referred to in subclause (1), and in any written permission or authorisation issued thereunder, to the Minister of Agriculture, the Minister for Agriculture, the Officer-in-charge or the Department of Agriculture shall be construed as a reference to the Minister, the Director or the Premier's Department, respectively.

(3) Any person who was employed under the *Public Service Act 1979* and was engaged in or in connection with the administration or management of the Trust lands, or part thereof, immediately before the commencement shall, on the commencement, be deemed to be employed pursuant to section 13.

(4) Section 19 (1) does not operate so as to vest in the Trust any pipeline or cable, or any apparatus used in connection therewith, that:

(a) immediately before the commencement, was situated on or in any part of the Trust lands, and

(b) was laid or constructed by or on behalf of The Australian Gas Light Company, The Electricity Commission of New South Wales, The Metropolitan Water Sewerage and Drainage Board or The Sydney County Council.

## **Part 2 Centennial Park, Moore Park and E S Marks Field**

### **5 Definitions**

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.

## **6 Continuity of corporation and cessation of administration**

- (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”.
- (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.

## **7 Saving relating to leases etc**

- (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.

## **8 Trust to be lessor under certain Special Lease**

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.

## **9 Conditions affecting property of former trustees**

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

## **10 Arrangements for the division of assets and liabilities**

- (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 2A Trust reconstitution**

### **10A Existing trustees continue in office**

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.

## Part 3 Regulations

### 11 Regulations

- (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
  - (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.

## Schedule 3 Moore Park and E S Marks Field

(Section 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 3A Affected land

(Sections 15H, 15I)

- 1 Part Lot 1763 in Deposited Plan 821362, being the sealed roadway at the intersection of Drivers Road and Moore Park Road, as at the commencement of this Schedule.
- 2 The residue of land within the following lots in Deposited Plan 821362 that is not vested in the Roads and Traffic Authority under section 15B or not subject to the licence under section 15D:
  - (a) Lot 1759 (commonly known as "Drivers Triangle"),
  - (b) Lot 1760,
  - (c) Lot 1762,

(d) Lot 1772.

- 3** Part Lot 1761 in Deposited Plan 821362, being the area extending from the eastern boundary of South Dowling Street (as at the commencement of this Schedule) to a point 5 metres west of the intersection of the southern and eastern boundaries of Lot 1760 and thence in a southerly direction to a point on the southern boundary of Lot 1761 which is 45 metres east of the eastern boundary of South Dowling Street (as at the commencement of this Schedule).

## **Schedule 4 Sydney Showground**

(Section 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*.