

# Centennial Park and Moore Park Trust Act 1983

## No 145

[1983-145]



New South Wales

### Status Information

#### Currency of version

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#### 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**  
[Statute Law \(Miscellaneous Provisions\) Act 2019 No 1](#) (not commenced — to commence on 1.7.2019)

#### 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](#).

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# 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### 2, 3 (Repealed)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 person employed in the Public Service as the Director of Centennial Park and Moore Park.

**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.

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

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

**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.

**Note—**

The *Interpretation Act 1987* contains definitions and other provisions that affect the interpretation and application of this Act.

- (2) (Repealed)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

**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).

**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 [Duties Act 1997](#) 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) (Repealed)

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

Subject to 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 Staff**

Persons may be employed in the Public Service under the [Government Sector Employment Act 2013](#) to enable the Trust to exercise its functions.

**Note—**

Section 59 of the [Government Sector Employment Act 2013](#) provides that the persons so employed (or whose services the Trust makes use of) may be referred to as officers or employees, or members of staff, of the Trust. Section 47A of the [Constitution Act 1902](#) precludes the Trust from employing staff.

### **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 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.

## **Parts 3A-4A**

### **15A-18B (Repealed)**

## **Part 5 Miscellaneous**

### **19 Resumption of original land requires Act of Parliament**

(1), (1A) (Repealed)

(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 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.

(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 (Repealed)**

## **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) (Repealed)

### **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 in respect of the offence, gives a prescribed officer referred to in the notice an approved nomination notice containing 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 court attendance notice in respect of the offence, gives the informant an approved nomination notice

containing 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.

(3A) Despite any other provision of this Act, an approved nomination notice may be provided by a person served with a notice under section 24 within 90 days of the notice being served on the person if the approved nomination notice is provided in the circumstances specified in section 23AA or 23AB of the *Fines Act 1996*.

(3B) If the owner of a vehicle gives an approved nomination notice to a prescribed officer or an informant for the purposes of this section, a prescribed officer or informant may, by written notice served on the owner, require the owner to supply a statutory declaration for use in court proceedings that verifies the nomination contained in the approved nomination notice.

(4) A statutory declaration under subsection (3B) 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) An approved nomination notice or a statutory declaration which relates to more than one offence is taken not to be an approved nomination notice or a statutory declaration under, or for the purposes of, subsection (3) or (3B).

(6) In this section:

**approved nomination notice** has the same meaning as in section 38 of the *Fines Act 1996*.

**owner** of a vehicle includes the responsible person for the vehicle within the meaning of the *Road Transport Act 2013*.

## 24 Penalty notices

(1) An authorised officer may issue a penalty notice to a person if it appears to the officer that the person has committed (or is, by virtue of section 23, guilty of) a penalty notice offence.

(2) A penalty notice offence is an offence against the regulations that is prescribed by the regulations as a penalty notice offence.

(3) A penalty notice that relates to an offence of which the owner of a vehicle is guilty by virtue of section 23 may be issued to the owner by being addressed to the owner (without naming the owner or stating the owner's address) and being left on, or attached to, the vehicle. This subsection does not limit the manner in which any such

penalty notice may be issued under section 21 of the *Fines Act 1996*.

(4) The *Fines Act 1996* applies to a penalty notice issued under this section.

**Note—**

The *Fines Act 1996* provides that, if a person issued with a penalty notice does not wish to have the matter determined by a court, the person may pay the amount specified in the notice and is not liable to any further proceedings for the alleged offence.

- (5) The amount payable under a penalty notice issued under this section is the amount prescribed for the alleged offence by the regulations (not exceeding the maximum amount of penalty that could be imposed for the offence by a court).
- (6) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.
- (7) In this section, **authorised officer** means a person who is declared by the regulations to be an authorised officer for the purposes of this section or who belongs to a class of persons so declared.

## **25 Proceedings for offences**

- (1) Proceedings for an offence against this Act or the regulations may be disposed of summarily before the 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, 28 (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 [Government Sector Employment Act 2013](#) 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.

### **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.

#### **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 (Repealed)**

### **Schedule 2 Transitional and other provisions**

#### **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.

### **Part 1 Centennial Park**

#### **1 Definitions**

In this Part:

**commencement** means the commencement of section 27 (being 2 November 1984).

**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) (Repealed)

#### **4 (Repealed)**

## **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 (being 9 March 1992).

**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, 8 (Repealed)**

## **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 (Repealed)**

## **Parts 2A, 3**

## **10A, 11 (Repealed)**

## **Part 4 Provisions consequent on enactment of [Centennial Park and Moore Park Trust Amendment Act 2012](#)**

## **12 Definitions**

In this Part:

***Eastern Distributor*** means the 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 Roads and Maritime Services.

***revested land*** means the land vested in the Trust by section 15C (2) (as in force immediately before its repeal).

***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.

### **13 Use of revested land by Roads and Maritime Services**

- (1) Roads and Maritime Services 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 clauses 14-16 for the carrying out of purposes specified in those clauses in respect of the land.
- (2) The licence under this clause commences on and from the vesting date.
- (3) The licence under this clause 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 clause for the purposes set out in clause 16 (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 Roads and Maritime Services by this clause, or
  - (b) take any action, or carry out any function, that interferes with or obstructs the use of the land by Roads and Maritime Services in accordance with the licence.
- (6) Roads and Maritime Services 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 Roads and Maritime Services by this clause.
- (7) Without limiting subclause (1), the terms and conditions agreed by the Ministers under that subclause may make provision for or with respect to the following matters:
- (a) functions that may be exercised by Roads and Maritime Services in respect of the land subject to the licence,
  - (b) functions that may be exercised by the Trust in respect of any such land.



#### **14 Use of revested land for landscaping and roads**

For the purposes of clause 13, Roads and Maritime Services 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).

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

For the purposes of clause 13, Roads and Maritime Services 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).

#### **16 Use of revested land for pump station and associated purposes**

For the purposes of clause 13, Roads and Maritime Services 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).

**17 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 Roads and Maritime Services, 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 (as in force immediately before the repeal 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 Roads and Maritime Services, 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 clause may permit Roads and Maritime Services 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 Roads and Maritime Services by the licence.
- (4) The Trust may not revoke or vary a licence granted under this clause, except with the approval of the Minister for the Environment and the Minister for Roads.
- (5) The Trust must consult with Roads and Maritime Services 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 clause is granted, or
- (b) affect any soil nails or rock anchors for which a licence under this clause is granted.

### **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.

### **Schedules 3-4 (Repealed)**