



New South Wales

# Centennial Park and Moore Park Trust Amendment Bill 2012

## Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

## Overview of Bill

The object of this Bill is to amend the *Centennial Park and Moore Park Trust Act 1983* (the *Act*) as follows:

- (a) to extend the maximum term of a lease over Trust lands into which the Centennial Park and Moore Park Trust (the *Trust*) may enter from 20 years to 50 years, or 99 years with the approval of the Minister,
- (b) to facilitate the management of the Trust by extending the power of the Trust to delegate its functions to authorised persons and by allowing the Trust to conduct its business without the necessity for a formal meeting.

This Bill also makes a number of amendments by way of statute law revision (including in relation to the land vested in the Trust and the removal of spent provisions relating to vesting).

## Outline of provisions

**Clause 1** sets out the name (also called the short title) of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act on the date of assent to the proposed Act.

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

**Schedule 1 [2]** extends the maximum term of a lease over Trust lands into which the Trust may enter from 20 years to 50 years, or 99 years where approval by the Minister has been given.

**Schedule 1 [1]** modernises the power of the Trust to delegate its functions and enables functions to be delegated to State or local government agencies and their staff in addition to trustees and the staff of the Trust.

**Schedule 1 [3]** allows the Trust to conduct its business without the necessity for a formal meeting and protects the Trust, a trustee or a person acting under the direction of the Trust from personal liability for acts done or omitted to be done in good faith.

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

The Schedule contains amendments that repeal spent or redundant provisions and update provisions. In particular, the Schedule repeals a range of separate provisions that have vested lands in the Trust or have divested land from the Trust. The repeal of those provisions do not affect the previous vesting or divesting of the land.

**Schedule 2 [1]** omits spent provisions that relate to the commencement of the Act as originally enacted.

**Schedule 2 [2] and [3]** make consequential amendments to the definitions used in the Act, including the transfer of the standard definitions of *function*, and *exercise* a function, from a separate subsection to the alphabetical list of definitions.

**Schedule 2 [4]** confirms that all land vested in the Trust immediately before the commencement of the proposed Act is original land for the purposes of the Act, and therefore subject to the provisions of the Act that prevent the disposal or resumption of the land or restrict leasing or other dealings in the land.

**Schedule 2 [5] and [14]** update references to repealed Acts.

**Schedule 2 [7]** repeals a Part relating to the Eastern Distributor that is largely redundant following the completion of the construction of the Eastern Distributor. **Schedule 2 [6] and [27]** make consequential amendments. **Schedule 2 [20]–[24]** preserve the operation of provisions in the repealed Part relating to the maintenance of the Eastern Distributor, in particular the grant of permanent licences to Roads and Maritime Services over certain land re-vested in the Trust following the completion of road construction.

**Schedule 2 [8]** omits a Part relating to the financial year of the Trust that is no longer necessary because of section 4 of the *Public Finance and Audit Act 1983*.

**Schedule 2 [9]** omits provisions that are redundant because the vesting of the Sydney Showground land to which it relates has occurred. **Schedule 2 [28]** makes a consequential amendment.

**Schedule 2 [10]** omits provisions that are redundant because the vesting of the original land to which they relate has occurred. **Schedule 2 [26]** makes a consequential amendment.

**Schedule 2 [11]** omits a provision relating to annual reports that is unnecessary because the *Annual Reports (Statutory Bodies) Act 1984* applies to the Trust.

**Schedule 2 [12]** omits a provision relating to the making of regulations that is unnecessary because of section 42 (2) of the *Interpretation Act 1987*.

**Schedule 2 [13]** omits a provision that is no longer necessary because of section 64A of the *Interpretation Act 1987*.

**Schedule 2 [15]** omits a provision relating to the common seal of the Trust that is unnecessary because section 50 (2) of the *Interpretation Act 1987* applies to the Trust.

**Schedule 2 [16]** enables regulations of a savings and transitional nature to be made as a consequence of the proposed Act. **Schedule 2 [25]** contains a specific savings provision relating to previous vestings and the divesting of Trust lands.

**Schedule 2 [17] and [19]** insert, in certain transitional provisions, the dates on which Schedule 2 to the Act and Schedule 1 (5) to the *Centennial Park Trust (Amendment) Act 1991* commenced so as to make those transitional provisions a more complete historical record.

**Schedule 2 [18]** omits spent savings and transitional provisions.



First print



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# Centennial Park and Moore Park Trust Amendment Bill 2012

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New South Wales

# Centennial Park and Moore Park Trust Amendment Bill 2012

No. , 2012

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## A Bill for

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

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<b>The Legislature of New South Wales enacts:</b>	1
<b>1 Name of Act</b>	2
This Act is the <i>Centennial Park and Moore Park Trust Amendment Act 2012</i> .	3 4
<b>2 Commencement</b>	5
This Act commences on the date of assent to this Act.	6



<b>Schedule 1</b>	<b>Principal amendments to Centennial Park and Moore Park Trust Act 1983 No 145</b>	1 2 3
<b>[1] Section 15</b>		4
	Omit the section. Insert instead:	5
<b>15</b>	<b>Delegation of Trust's functions</b>	6
(1)	The Trust may delegate to an authorised person any of its functions, other than this power of delegation.	7 8
(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.	9 10 11
(3)	In this section, <i>authorised person</i> means:	12
(a)	a trustee, or	13
(b)	the Director or any member of staff of the Trust, or	14
(c)	a NSW Government agency or local authority, or a member of staff of any such agency or authority, or	15 16
(d)	a person, or group of persons, of a class prescribed by the regulations.	17 18
<b>[2] Section 20</b>	<b>Grant of leases, easements and licences</b>	19
	Omit section 20 (3). Insert instead:	20
(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.	21 22 23 24 25 26
<b>[3] Schedule 1</b>	<b>Provisions relating to trustees and procedure of the Trust</b>	27
	Insert after clause 9:	28
<b>9A</b>	<b>Transaction of business outside meetings or by electronic means</b>	29
(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.	30 31 32 33
(2)	The Trust may, if it thinks fit, transact any of its business at a meeting at which trustees (or some trustees) participate by	34 35

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

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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.	1 2 3
(3) For the purposes of:	4
(a) the approval of a resolution under subclause (1), or	5
(b) a meeting held in accordance with subclause (2),	6
the Chairman and each trustee have the same voting rights as they have at an ordinary meeting of the Trust.	7 8
(4) A resolution approved under subclause (1) is, subject to the regulations, to be recorded in the minutes of the meetings of the Trust.	9 10 11
(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.	12 13 14
<b>9B Personal liability</b>	15
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.	16 17 18 19 20 21

<b>Schedule 2</b>	<b>Statute law revision amendments to Centennial Park and Moore Park Trust Act 1983 No 145</b>	1 2 3
<b>[1] Section 2 Commencement</b>		4
	Omit the section.	5
<b>[2] Section 4 Definitions</b>		6
	Omit the definitions of <i>original land</i> , <i>regulation</i> and <i>supplementary land</i> from section 4 (1).	7 8
	Insert in alphabetical order:	9
	<i>function</i> includes a power, authority or duty, and <i>exercise</i> a function includes perform a duty.	10 11
	<i>original land</i> means the land that is described in section 5.	12
	<i>supplementary land</i> means land acquired by the Trust that is not original land.	13 14
<b>[3] Section 4 (2)</b>		15
	Omit the subsection.	16
<b>[4] Section 5</b>		17
	Omit the section. Insert instead:	18
	<b>5 Trust lands—original land</b>	19
	(1) For the purposes of this Act, all land vested in the Trust immediately before the commencement of the amending Act is original land.	20 21 22
	(2) In this section, <i>amending Act</i> means the <i>Centennial Park and Moore Park Trust Amendment Act 2012</i> .	23 24
	<b>Note.</b> On the commencement of the amending Act, original land includes the following land:	25 26
	(a) the land known as Centennial Park,	27
	(b) the land known as Moore Park,	28
	(c) the land known as E. S. Marks Athletics Field,	29
	(d) the land formerly known as Sydney Showground,	30
	(e) the land known as Queens Park,	31
	(f) certain other lands (for example, Tay Reserve and Drivers Triangle).	32 33

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<b>[5] Section 9 Functions of Trust</b>	1
Omit “ <i>Stamp Duties Act 1920</i> ” from section 9 (6).	2
Insert instead “ <i>Duties Act 1997</i> ”.	3
<b>[6] Section 10 Disposal of certain land prohibited</b>	4
Omit “Part 3A and”.	5
<b>[7] Part 3A Provisions relating to the Eastern Distributor</b>	6
Omit the Part.	7
<b>[8] Part 4 Finance</b>	8
Omit the Part.	9
<b>[9] Part 4A Macquarie Sydney Common</b>	10
Omit the Part.	11
<b>[10] Section 19 Resumption of original land requires Act of Parliament</b>	12
Omit section 19 (1) and (1A).	13
<b>[11] Section 21 Annual report</b>	14
Omit the section.	15
<b>[12] Section 22 Regulations</b>	16
Omit section 22 (4).	17
<b>[13] Section 27 Transitional and other provisions</b>	18
Omit the section.	19
<b>[14] Schedule 1 Provisions relating to trustees and procedure of the Trust</b>	20
Omit “ <i>Public Service Act 1979</i> ” from clause 4.	21
Insert instead “ <i>Public Sector Employment and Management Act 2002</i> ”.	22
<b>[15] Schedule 1, clause 12 Common seal</b>	23
Omit the clause.	24

<b>[16] Schedule 2 Transitional and other provisions</b>	1
Omit “(Section 27)”. Insert before Part 1:	2
<b>Part 1A Savings and transitional regulations</b>	3
<b>1A Regulations</b>	4
(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.	5 6 7
(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.	8 9
(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:	10 11 12
(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	13 14 15
(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.	16 17 18
<b>[17] Schedule 2, clause 1</b>	19
Insert “(being 2 November 1984)” after “commencement of section 27” in the definition of <i>commencement</i> .	20 21
<b>[18] Schedule 2, clauses 3 (2), 4, 7, 8 and 10 and Parts 2A and 3</b>	22
Omit the clauses and Parts.	23
<b>[19] Schedule 2, clause 5</b>	24
Insert “(being 9 March 1992)” after “commences” in the definition of <i>appointed day</i> .	25 26
<b>[20] Schedule 2, Part 4</b>	27
Transfer sections 15A, 15D–15G and 15I (which are repealed by item [7]), after the following heading, as clauses 12–17 of Schedule 2 and update cross-references of those provisions accordingly:	28 29 30
<b>Part 4 Provisions consequent on enactment of Centennial Park and Moore Park Trust Amendment Act 2012</b>	31 32 33

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

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<b>[21] Schedule 2, clause 12 (as inserted by item [20])</b>	1
Omit “or the proposed road link” from the definition of <i>Eastern Distributor</i> .	2
<b>[22] Schedule 2, clause 12 (as inserted by item [20])</b>	3
Insert “(as in force immediately before its repeal)” after “section 15C (2)” in the definition of <i>revested land</i> .	4 5
<b>[23] Schedule 2, clauses 13–17 (as inserted by item [20])</b>	6
Omit “section”, “sections” and “subsection” wherever occurring.	7
Insert instead “clause”, “clauses” and “subclause”, respectively.	8
<b>[24] Schedule 2, clause 17 (1) (as inserted by item [20])</b>	9
Insert “(as in force immediately before the repeal of Schedule 3A)” after “items 2 and 3 of Schedule 3A”.	10 11
<b>[25] Schedule 2, clause 18</b>	12
Insert after clause 17 (as inserted by item [20]):	13
<b>18 Savings relating to previous vestings and divestings of Trust lands</b>	14 15
The amendments made to this Act by the <i>Centennial Park and Moore Park Trust Amendment Act 2012</i> do not affect:	16 17
(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	18 19 20 21
(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.	22 23 24 25
<b>[26] Schedule 3 Moore Park and E S Marks Field</b>	26
Omit the Schedule.	27
<b>[27] Schedule 3A Affected land</b>	28
Omit the Schedule.	29

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Statute law revision amendments to Centennial Park and Moore Park Trust Schedule 2  
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**[28] Schedule 4 Sydney Showground**

Omit the Schedule.

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