New South Wales.



ANNO QUINTO DECIMO

GEORGII V REGIS.

Act No. 9, 1924.

An Act to enable trustees of public reserves to sell, lease, or mortgage the same; for this purpose to amend certain Acts; and for purposes connected therewith. [Assented to, 25th September, 1924.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Trustees of Public short

Reserves Enabling Act, 1924."

2.

Definitions.

2. In this Act, unless the context or subject-matter otherwise indicates or requires,—

"Prescribed" means prescribed by this Act or the

regulations made thereunder.

"Public Reserve" means any land set apart, dedicated, reserved, granted, or held for any public purpose under any Act, but shall not include any land set apart, dedicated, reserved, granted. or held as a public park.

"Trustee" means trustee of a public reserve.

Application of Act.

3. This Act shall only apply to a public reserve to which it is declared to apply by resolution of both Houses of Parliament, but such resolution shall not be necessary where the land has been set apart, dedicated, reserved, granted, or held for the purpose of any war memorial, institute, or other building for any like purpose.

Savings.

4. Nothing in this Act shall affect—

(a) any of the provisions of the Trustees of Schools of Arts Enabling Act, 1902, the Trustees of Show Grounds Enabling Act, 1909, the Local Government Act, 1919, or any Act relating to any particular public reserve or the trustees thereof:

(b) any power of leasing conferred by the Public Parks Act, 1912, or which may have been or may be conferred by any notice under section

three of the Public Trusts Act. 1897.

5. (1) Any trustees may at a meeting called for the purpose pass a special resolution that it is desirable to sell, lease, or mortgage any public reserve or any part

thereof upon specified terms or conditions.

(2) If such resolution is confirmed by another of resolution, meeting of the trustees held not less than one month from the holding of the meeting referred to in the last preceding subsection, the trustees shall publish in two issues of a newspaper circulating in the locality where the public reserve is situate a notice of the passing and confirmation of the resolution, setting forth the prescribed particulars, and stating that the trustees intend to apply to the Minister for his consent to such sale, lease, or mortgage.

Resolution of trustees to sell, lease, or mortgage. cf. Act No. 15, 1909, s. 3.

Confirmation tion in newspaper. Ibid. s. 4.

6. After the expiration of fourteen days from the Application last of such publications, the trustees may apply in consent. writing to the Minister for his consent to such proposed of. Act No. sale, lease, or mortgage, making a full statement to him 15, 1909, s. 5. of the facts relating thereto.

7. The Minister may hear any person in opposition Power of to the said sale, lease, or mortgage, and may refer the Minister to hear and application—

refer.

(a) to any person or board for report; or

Tbid. cf. s. 6.

(b) to any persons or any association, club, or other body, having in the opinion of the Minister any interest in the granting or withholding of his consent to the application.

8. (1) The Minister may in any case give his consent Consent. in writing either as to the whole or as to part of any Ibid. cf. s. 7. public reserve in respect of which any application is made, and may at any time withdraw his consent, either wholly or partially, or vary the terms and conditions thereof, if he can do so without prejudice to the rights of third parties.

(2) In the case of an application for leave to sell General and or lease any public reserve, the Minister may give his particular consent. consent either generally by authorising the sale or lease of such public reserve subject to such conditions, restrictions, reservations, and covenants, and in such manner and within such time as he may think desirable, or by approving of particular contracts of sale or lease.

- (3) In the case of an application for leave to mortgage any public reserve such general consent shall not be given, but the terms of the proposed mortgage shall in each case be submitted to the Minister for approval, and his consent shall not, unless under circumstances which in the minute of approval he certifies to be exceptional, be given to a mortgage of any lands for more than one-half of the value of the land, including any buildings or improvements erected or to be erected thereon as certified by the Valuer-General.
- 9. (1) After the confirmation of such resolution as Sale, lease, aforesaid, and after obtaining the written consent herein- and mortgage. before mentioned, and not otherwise, the trustees may sell, lease, or mortgage the reserve according to the terms of such consent; Provided

Proviso.

Provided that where the Minister has given his consent generally, as in the next preceding section provided, no public reserve shall be sold or leased in pursuance of such consent, unless in each case the price agreed upon or rent reserved has been submitted to and approved of by him.

Power of sale.

(2) A mortgage under this Act may contain a power of sale.

Minister may appoint person to execute conveyance. Act No. 15, 1909, s. 9.

- 10. (1) In any case in which trustees desire to exercise the powers conferred by this Act, the Minister may appoint some person who shall have power to execute all conveyances and instruments, and do all things necessary to the due exercise of such powers.
- (2) The receipt of the person so appointed shall be a sufficient discharge to any purchaser, lessee, or mortgagee bona fide paying money in respect of any sale, lease, or mortgage under this Act.
- (3) Any transfer, mortgage, or lease of lands held under the Real Property Act, signed by the person so appointed, shall have the same effect as if signed by the registered proprietor of such lands.

Bona fide purchaser protected. *Ibid.* s. 10. 11. No purchaser, lessee, or mortgagee dealing bona fide with a person appointed under the next preceding section shall be prejudiced or affected by any omission or irregularity in respect of any of the matters prescribed by this Act.

Proceeds to be held on trust and invested. *Ibid.* s. 11.

- 12. (1) The proceeds of any sale, lease, or mortgage under this Act shall be held by the trustees, after payment of costs, expenses, and encumbrances, for the general purposes of the trust, and shall be invested or applied as the Minister directs.
- (2) The Minister may direct that any portion of the income or revenue of the trustees shall be set apart for payment of interest on, or the gradual extinction of, any mortgage debt, and the portion so set apart shall be invested as the Minister directs.

Conveyance to vest lands free from trust. *Ibid.* s. 12. 13. Lands conveyed to any person under the provisions of this Act shall vest in him free from all trusts which affected them in the hands of the persons by whom or on whose behalf they were conveyed.

14.

14. (1) The Governor may make regulations for Regulations carrying out the provisions of this Act.

(2) Such regulations shall—
(a) be published in the Gazette;

(b) take effect from the date of such publication or from a later date to be specified in such

regulations;

(c) be laid before both Houses of Parliament within fourteen sitting days if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session. If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect.

INDEX.

a instanting myssige stay self mear to	Section.	Page.
Trustees of Public Reserves Enabling Act, 1924, No. 9.		
Act, application of	3	2
ss. 46, 53 (1), 56 (1), amended	10(3)	4
Bona fide lessee, mortgagee, and purchaser protected	11	4
Conveyance— execution of, Minister may appoint person for vests lands free of trusts	10 13	4 4
Definitions— Prescribed	$\frac{2}{2}$	$\frac{2}{2}$
Institute, application of Act to building held as	3	2
Lease— proceeds of, application of trustees, by trustees, resolution of, to	12 9 (1) 5 (1)	$\begin{array}{c} 4\\3\\2\end{array}$
Local Government Act, 1919, No. 41, not affected	4 (a)	2
Mortgage— debt, interest on or extinction of, arrangement for proceeds of, application of trustees, by resolution of, to effect	12 (2) 12 9 (1) 5 (1)	4 4 3 2
Proceeds of sale, lease, or mortgage, application of Public Parks Act, 1912, No. 40, s. 8, not affected Public reserve, Acts relating to particular Public Trusts Act, 1897, No. 8, s. 3, not affected	12 4 (b) 4 (a) 4 (b)	4 2 2 2 2
Real Property Act, 1900, No. 25, transfer (s. 46), mortgage (s. 56 (1)), or lease (s. 53 (1)) of lands held under, signature of, by person appointed by	10 (8)	
Minister, effect of	10 (3)	4
discharge for moneys paid	10(2)	4
Regulations	14 5 (1) 5 (2)	5 2 2
hearing and reference Minister's consent, application for	7	2 2 3 3
grant of	8	3

INDEX-continued.

	Section.	Page.
rustees of Public Reserves Enabling Act, 1924, No. 9—continued.		
Sale—		
power of, mortgage may contain	9 (2)	4
proceeds of, application of	12	4
trustees, by	9 (1)	4 3
resolution of, for	5 (1)	2
Savings-		
Local Government Act, 1919, No. 41	4 (a)	2
Public Parks Act, 1912, No. 40, s. 8	4 (b)	2
Public reserve, Acts relating to particular	4 (a)	$egin{array}{c} 2 \\ 2 \\ 2 \\ 2 \end{array}$
Public Trusts Act, 1897, No. 8, s. 3	4 (b)	2
Trustees of Schools of Arts Enabling Act, 1902,		
No. 68	4 (a)	2
Trustees of Show Grounds Enabling Act, 1909,		
No. 15	4 (a)	2
Title, short	1	$\frac{2}{1}$
Trustees—		
of Schools of Arts Enabling Act, 1902, No. 68,		
not affected	4 (a)	2
Show Grounds Enabling Act, 1909, No. 15,		
not affected	4 (a)	2
War memorial, application of Act to building held as	3	$\frac{2}{2}$
wat memorial, approaction of 1100 to building held as		

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

W. S. MOWLE, Clerk of the Legislative Assembly.

Legislative Assembly Chamber, Sydney, 17 September, 1924

New South Wales.



ANNO QUINTO DECIMO

GEORGII V REGIS.

Act No. 9, 1924.

An Act to enable trustees of public reserves to sell, lease, or mortgage the same; for this purpose to amend certain Acts; and for purposes connected therewith. [Assented to, 25th September, 1924.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Trustees of Public Short title. Reserves Enabling Act, 1924." 2.

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

R. B. WALKER,

Chairman of Committees of the Legislative Assembly.

Definitions.

2. In this Act, unless the context or subject-matter otherwise indicates or requires,—

"Prescribed" means prescribed by this Act or the

regulations made thereunder.

"Public Reserve" means any land set apart, dedicated, reserved, granted, or held for any public purpose under any Act, but shall not include any land set apart, dedicated, reserved, granted, or held as a public park.

"Trustee" means trustee of a public reserve.

Application of Act.

3. This Act shall only apply to a public reserve to which it is declared to apply by resolution of both Houses of Parliament, but such resolution shall not be necessary where the land has been set apart, dedicated, reserved, granted, or held for the purpose of any war memorial, institute, or other building for any like purpose.

Savings.

- 4. Nothing in this Act shall affect—
 - (a) any of the provisions of the Trustees of Schools of Arts Enabling Act, 1902, the Trustees of Show Grounds Enabling Act, 1909, the Local Government Act, 1919, or any Act relating to any particular public reserve or the trustees thereof:

(b) any power of leasing conferred by the Public Parks Act, 1912, or which may have been or may be conferred by any notice under section

three of the Public Trusts Act, 1897.

5. (1) Any trustees may at a meeting called for the purpose pass a special resolution that it is desirable to sell, lease, or mortgage any public reserve or any part thereof upon specified towns or conditions

thereof upon specified terms or conditions.

Confirmation of resolution, and publication in newspaper.

Ibid. s. 4.

Resolution of

mortgage.

1909, s. 3.

trustees to sell, lease, or

(2) If such resolution is confirmed by another meeting of the trustees held not less than one month from the holding of the meeting referred to in the last preceding subsection, the trustees shall publish in two issues of a newspaper circulating in the locality where the public reserve is situate a notice of the passing and confirmation of the resolution, setting forth the prescribed particulars, and stating that the trustees intend to apply to the Minister for his consent to such sale, lease, or mortgage.

6.

6. After the expiration of fourteen days from the Application last of such publications, the trustees may apply in consent. writing to the Minister for his consent to such proposed of. Act No. sale, lease, or mortgage, making a full statement to him 15, 1909, s, 5. of the facts relating thereto.

7. The Minister may hear any person in opposition Power of to the said sale, lease, or mortgage, and may refer the Minister to hear and application—

Tbid. cf. s. 6.

(a) to any person or board for report; or

(b) to any persons or any association, club, or other body, having in the opinion of the Minister any interest in the granting or withholding of his consent to the application.

8. (1) The Minister may in any case give his consent consent. in writing either as to the whole or as to part of any Ibid. cf. s. 7. public reserve in respect of which any application is made, and may at any time withdraw his consent, either wholly or partially, or vary the terms and conditions thereof, if he can do so without prejudice to the rights of third parties.

(2) In the case of an application for leave to sell General and or lease any public reserve, the Minister may give his particular consent. consent either generally by authorising the sale or lease of such public reserve subject to such conditions, restrictions, reservations, and covenants, and in such manner and within such time as he may think desirable, or by approving of particular contracts of sale or lease.

(3) In the case of an application for leave to mortgage any public reserve such general consent shall not be given, but the terms of the proposed mortgage shall in each case be submitted to the Minister for approval, and his consent shall not, unless under circumstances which in the minute of approval he certifies to be exceptional, be given to a mortgage of any lands for more than one-half of the value of the land, including any buildings or improvements erected or to be erected thereon as certified by the Valuer-General.

9. (1) After the confirmation of such resolution as Sale, lease, aforesaid, and after obtaining the written consent herein-andmortgage. before mentioned, and not otherwise, the trustees may Ibid. s. S. sell, lease, or mortgage the reserve according to the terms Provided of such consent:

Proviso

Provided that where the Minister has given his consent generally, as in the next preceding section provided, no public reserve shall be sold or leased in pursuance of such consent, unless in each case the price agreed upon or rent reserved has been submitted to and approved of by him.

Power of sale.

(2) A mortgage under this Act may contain a power of sale.

Minister may appoint person to execute conveyance. Act No. 15, 1909, s. 9.

- 10. (1) In any case in which trustees desire to exercise the powers conferred by this Act, the Minister may appoint some person who shall have power to execute all conveyances and instruments, and do all things necessary to the due exercise of such powers.
- (2) The receipt of the person so appointed shall be a sufficient discharge to any purchaser, lessee, or mortgagee bona fide paying money in respect of any sale, lease, or mortgage under this Act.
- (3) Any transfer, mortgage, or lease of lands held under the Real Property Act, signed by the person so appointed, shall have the same effect as if signed by the registered proprietor of such lands,

Bona fide purchaser protected. *Ibid.* s. 10. 11. No purchaser, lessee, or mortgagee dealing bona fide with a person appointed under the next preceding section shall be prejudiced or affected by any omission or irregularity in respect of any of the matters prescribed by this Act.

Proceeds to be held on trust and invested. Ibid. s. 11.

- 12. (1) The proceeds of any sale, lease, or mortgage under this Act shall be held by the trustees, after payment of costs, expenses, and encumbrances, for the general purposes of the trust, and shall be invested or applied as the Minister directs.
- (2) The Minister may direct that any portion of the income or revenue of the trustees shall be set apart for payment of interest on, or the gradual extinction of, any mortgage debt, and the portion so set apart shall be invested as the Minister directs.

Conveyance to vest lands free from trust. *Ibid.* s. 12 13. Lands conveyed to any person under the provisions of this Act shall vest in him free from all trusts which affected them in the hands of the persons by whom or on whose behalf they were conveyed.

14.

14. (1) The Governor may make regulations for Regulations. carrying out the provisions of this Act.

(2) Such regulations shall—(a) be published in the Gazette;

(b) take effect from the date of such publication or from a later date to be specified in such

regulations;

(c) be laid before both Houses of Parliament within fourteen sitting days if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session. If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect.

In the name and on behalf of His Majesty I assent to this Act.

D. R. S. DE CHAIR, Governor.

Government House, Sydney, 25th September, 1924.

1924.

Legislatibe Conncil.

Trustees of Public Reserves Enabling Bill, 1924.

EXPLANATORY NOTE.

The object of this Bill is to enable trustees of public reserves (which includes Soldiers' Memorial Hall sites, but excludes public parks) to sell, lease, or mortgage trust lands with the consent of the Minister.

The Bill follows substantially the provisions of the Trustees of Show Grounds Enabling Act, 1909, and will enable trustees of public reserves as defined in the Bill to raise the funds necessary to fulfil the object of the dedication or to dispose of the land if unsuitable for its intended purpose.

The Bill will only apply to public reserves to which it is declared to apply by resolution of both Houses of Parliament, but such resolution will not be necessary where the land has been set apart for the purpose of any war memorial institute or other building for any like purpose.

Trustees of Public Lessyves bushing Bill 1924

e - shor vrotavareze

And the second control of the second control

Strate Wilde

This Public Bill originated in the Legislative Assembly, and, having this day passed, is now ready for presentation to the Legislative Council for its concurrence.

W. S. MOWLE, Clerk of the Legislative Assembly.

Legislative Assembly Chamber, Sydney, 13 August, 1924

New South Wales.



ANNO QUINTO DECIMO

GEORGII V REGIS.

Act No. , 1924.

An Act to enable trustees of public reserves to sell, lease, or mortgage the same; for this purpose to amend certain Acts; and for purposes connected therewith.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Trustees of Public short title. Reserves Enabling Act, 1924."

37827 14 -A

2.

2. In this Act, unless the context or subject-matter Definitions, otherwise indicates or requires,—

"Prescribed" means prescribed by this Act or the

regulations made thereunder.

5 "Public Reserve" means any land set apart, dedicated, reserved, granted, or held for any public purpose under any Act, but shall not include any land set apart, dedicated, reserved, granted, or held as a public park.

10 "Trustee" means trustee of a public reserve.

3. This Act shall only apply to a public reserve to Application which it is declared to apply by resolution of both of Act. Houses of Parliament, but such resolution shall not be necessary where the land has been set apart, dedicated,

15 reserved, granted, or held for the purpose of any war memorial, institute, or other building for any like

purpose.

25

4. Nothing in this Act shall affect— Savings.

(a) any of the provisions of the Trustees of Schools 20 of Arts Enabling Act, 1902, the Trustees of Show Grounds Enabling Act, 1909, the Local Government Act, 1919, or any Act relating to any particular public reserve or the trustees thereof;

(b) any power of leasing conferred by the Public Parks Act, 1912, or which may have been or may be conferred by any notice under section

three of the Public Trusts Act, 1897.

5. (1) Any trustees may at a meeting called for the Resolution of trustees to sell, purpose pass a special resolution that it is desirable to lease, or mortgage. sell, lease, or mortgage any public reserve or any part of Act No. 15, 1909, s. 3. thereof upon-specified terms or conditions.

(2) If such resolution is confirmed by another Confirmation meeting of the trustees held not less than one month of resolution, and publica-35 from the holding of the meeting referred to in the last tion in newspreceding subsection, the trustees shall publish in two paper. issues of a newspaper circulating in the locality where Ibid. s. 4. the public reserve is situate a notice of the passing and confirmation of the resolution, setting forth the prescribed

40 particulars, and stating that the trustees intend to apply to the Minister for his consent to such sale, lease, or mortgage. 6.

6. After the expiration of fourteen days from the Application last of such publications, the trustees may apply in for Minister's writing to the Minister for his consent to such proposed of Act No. sale, lease, or mortgage, making a full statement to him 15, 1909, s. 5. 5 of the facts relating thereto.

7. The Minister may hear any person in opposition Power of to the said sale, lease, or mortgage, and may refer the Minister to hear and application—

(a) to any person or board for report; or

Ibid. cf. s. 6.

(b) to any persons or any association, club, or other body, having in the opinion of the Minister any interest in the granting or withholding of his consent to the application.

10

8. (1) The Minister may in any case give his consent Consent.

15 in writing either as to the whole or as to part of any Ibid. cf. s. 7. public reserve in respect of which any application is made, and may at any time withdraw his consent, either wholly or partially, or vary the terms and conditions thereof, if he can do so without prejudice to the rights

20 of third parties.

(2) In the case of an application for leave to sell General and or lease any public reserve, the Minister may give his particular consent either generally by authorising the sale or lease of such public reserve subject to such conditions, 25 restrictions, reservations, and covenants, and in such manner and within such time as he may think desirable,

or by approving of particular contracts of sale or lease.

(3) In the case of an application for leave to mortgage any public reserve such general consent shall 30 not be given, but the terms of the proposed mortgage shall in each case be submitted to the Minister for approval, and his consent shall not, unless under circumstances which in the minute of approval he certifies to be exceptional, be given to a mortgage of any lands for 35 more than one-half of the value of the land, including any buildings or improvements erected or to be erected thereon as certified by the Valuer-General.

9. (1) After the confirmation of such resolution as Sale, lease, aforesaid, and after obtaining the written consent herein-and mortgage.

40 before mentioned, and not otherwise, the trustees may sell, lease, or mortgage the reserve according to the terms of such consent:

Provided

Provided that where the Minister has given his consent Proviso, generally, as in the next preceding section provided, no public reserve shall be sold or leased in pursuance of such consent, unless in each case the price agreed upon 5 or rent reserved has been submitted to and approved of by him.

(2) A mortgage under this Act may contain a Power of sale.

power of sale.

10. (1) In any case in which trustees desire to Minister may 10 exercise the powers conferred by this Act, the Minister appoint may appoint some person who shall have power to execute execute all conveyances and instruments, and do all conveyance. Act No. 15, 1909, s. 9.

(2) The receipt of the person so appointed shall 15 be a sufficient discharge to any purchaser, lessee, or mortgagee bona fide paying money in respect of any

sale, lease, or mortgage under this Act.

(3) Any transfer, mortgage, or lease of lands held under the Real Property Act, signed by the person so 20 appointed, shall have the same effect as if signed by the registered proprietor of such lands,

11. No purchaser, lessee, or mortgagee dealing bona Bona fide fide with a person appointed under the next preceding purchaser section shall be prejudiced or affected by any omission *Ibid.* s. 10.
25 or irregularity in respect of any of the matters prescribed by this Act.

- 12. (1) The proceeds of any sale, lease, or mortgage Proceeds to under this Act shall be held by the trustees, after be held on payment of costs, expenses, and encumbrances, for the invested.

 30 general purposes of the trust, and shall be invested or *Ibid. s.* 11. applied as the Minister directs.
- (2) The Minister may direct that any portion of the income or revenue of the trustees shall be set apart for payment of interest on, or the gradual extinc35 tion of, any mortgage debt, and the portion so set apart shall be invested as the Minister directs.
- 13. Lands conveyed to any person under the pro-Conveyance visions of this Act shall vest in him free from all trusts free from which affected them in the hands of the persons by trust.

 40 whom or on whose behalf they were conveyed.

 1bid. s. 12.

14. (1) The Governor may make regulations for Regulations. carrying out the provisions of this Act.

(2) Such regulations shall— (a) be published in the Gazette;

(b) take effect from the date of such publication or from a later date to be specified in such regulations;

(c) be laid before both Houses of Parliament within fourteen sitting days if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session. If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect.

Sydney: Alfred James Kent, Government Printer-1924.

[7d.]

5

tentral pasies and another transmission of the second seco