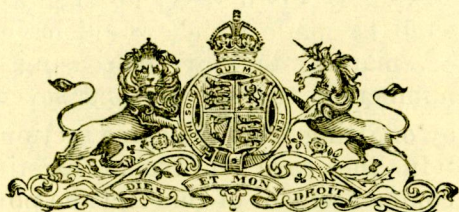


New South Wales.



ANNO QUINTO

GEORGI VI REGIS.

Act No. 51, 1941.

An Act to make provision for the limitation of the number of trustees of public reserves and for the retirement of such trustees upon attaining the age of seventy years; for these and other purposes to amend the Public Trusts Act, 1897, the Crown Lands Consolidation Act, 1913, the Public Parks Act, 1912, and certain other Acts in certain respects; and for purposes connected therewith. [Assented to, 5th November, 1941.]

Trustees of Public Reserves (Limitation of Numbers and Retirement).

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:—

Short
title.

1. This Act may be cited as the "Trustees of Public Reserves (Limitation of Numbers and Retirement) Act, 1941."

Amendment
of Act No.
8, 1897.

2. The Public Trusts Act, 1897, as amended by subsequent Acts, is amended—

Sec. 4.
(Governor
may
appoint
additional
trustees.)

(a) (i) by inserting in section four after the word "fit" the words "Provided that subject to section 4A of this Act no such appointment shall be made which would have the effect of maintaining or increasing the total number of trustees beyond seven";

(ii) by omitting from the same section the words "In the case of trusts existing at the commencement of this Act the power hereby conferred on the Governor shall not be exercised beyond the appointment of one such trustee if the majority of the existing trustees shall object in writing to such additional appointment";

(iii) by omitting from the same section the words "Provided always that in any trust created after the commencement of this Act the total number of trustees shall not exceed seven";

New secs.
4A-4E.

(b) by inserting after the same section the following new sections:—

Limitation
of number
of trustees
to seven.

4A. (1) Nothing contained in this Act or in any document or notice creating or authorising the creation of a trust shall authorise the Governor to make any appointment of a trustee whether to fill a vacancy or otherwise which would have the effect of maintaining or increasing the total number of trustees beyond seven.

Trustees of Public Reserves (Limitation of Numbers and Retirement).

(2) The Governor may appoint a person who holds a particular office or position to be a trustee by virtue of his holding that office or position.

Where any such appointment is made, then in ascertaining the number of trustees for the purposes of subsection one of this section, the person so appointed shall not be counted.

Any person appointed to be a trustee by virtue of his holding a particular office or position shall cease to hold office as trustee on the day upon which he ceases to hold that office or position.

4B. (1) The number ascertained by dividing **Quorum.** the total number of trustees by two and adding one to the quotient (any fractional remainder being disregarded) shall, unless a greater number is fixed by any rule, regulation, by-law or ordinance made (whether before or after the commencement of the Trustees of Public Reserves (Limitation of Numbers and Retirement) Act, 1941) in that behalf, be the number of trustees necessary to form a quorum at any meeting of the trustees.

(2) Any duly convened meeting of the trustees at which a quorum is present shall be competent to transact any business of the trustees.

(3) A decision of the majority of the trustees present at a meeting shall be the decision of the trustees.

(4) This section shall not apply in any case where a corporate body has been appointed, pursuant to section two of this Act, to be trustees of any land.

4C. (1) Trustees appointed under this Act, whether before or after the commencement of the Trustees of Public Reserves (Limitation of Numbers and Retirement) Act, 1941, shall cause to be forwarded to the Minister during the month **Trustees to report annually to Minister.**
next

Trustees of Public Reserves (Limitation of Numbers and Retirement).

next following the close of each year of the trust an abstract of all moneys received and expended by them during the preceding year.

Together with such abstract the trustees shall cause to be forwarded to the Minister a statement setting forth—

- (a) the activities of the trustees in relation to the trust during such preceding year;
- (b) the number of duly convened meetings of the trustees during such preceding year; and
- (c) a record of the attendances at such meetings of each of the trustees.

(2) The provisions of subsection one of this section shall not apply in any case where a corporate body has been appointed, pursuant to section two of this Act, to be trustees of any land.

Every such corporate body so appointed shall cause to be forwarded to the Minister in the month of January in each year a statement setting forth the activities of the corporate body in relation to the trust during the preceding year.

Removal of trustees.

4D. The Governor may, by notice in the Gazette, remove any trustee appointed under this Act, whether before or after the commencement of the Trustees of Public Reserves (Limitation of Numbers and Retirement) Act, 1941, where the number of duly convened meetings of the trustees held during the year of the trust which commences in the year one thousand nine hundred and forty-two or during any subsequent year at which such trustee was present, is less than forty per centum of the total number of duly convened meetings of the trustees during such year.

Age limit.

4E. (1) No person of or above the age of seventy years shall be eligible for appointment under this Act as a trustee.

(2)

Trustees of Public Reserves (Limitation of Numbers and Retirement).

(2) Any person appointed as a trustee under this Act, whether before or after the commencement of the Trustees of Public Reserves (Limitation of Numbers and Retirement) Act, 1941, shall cease to hold office on the day upon which he attains the age of seventy years.

3. The Crown Lands Consolidation Act, 1913, as amended by subsequent Acts, is amended—

Amendment
of Act No.
7, 1913.

(a) by inserting in subsection one of section twenty-six after the word "three" the words "nor (subject to subsection (1A) of this section) more than seven";

Sec. 26.

(Appoint-
ment of
trustees.)

(b) by inserting at the end of the same subsection the following new subsections:—

(1A) (a) Nothing contained in subsection one of this section shall authorise the Minister to make any appointment of a trustee whether to fill any vacancy or otherwise which would have the effect of maintaining or increasing the total number of trustees beyond seven.

(b) The Minister may appoint a person who holds a particular office or position to be a trustee by virtue of his holding that office or position.

Where any such appointment is made, then in ascertaining the number of trustees for the purposes of paragraph (a) of this subsection, the person so appointed shall not be counted.

Any person appointed to be a trustee by virtue of his holding a particular office or position shall cease to hold office as trustee on the day upon which he ceases to hold that office or position.

(1B) (a) The number ascertained by dividing the total number of trustees by two and adding one to the quotient (any fractional remainder being disregarded) shall, unless a greater number is fixed by any rule or regulation, made (whether before or after the commencement of the Trustees of Public Reserves (Limitation of

Numbers

Trustees of Public Reserves (Limitation of Numbers and Retirement).

Numbers and Retirement) Act, 1941) in that behalf, be the number of trustees necessary to form a quorum at any meeting of the trustees.

(b) Any duly convened meeting of the trustees at which a quorum is present shall be competent to transact any business of the trustees.

(c) A decision of the majority of the trustees present at a meeting shall be the decision of the trustees.

(1c) Trustees appointed under this section, whether before or after the commencement of the Trustees of Public Reserves (Limitation of Numbers and Retirement) Act, 1941, shall cause to be forwarded to the Minister during the month next following the close of each year of the trust an abstract of all moneys received and expended by them during the preceding year.

Together with such abstract the trustees shall cause to be forwarded to the Minister a statement setting forth—

- (a) the activities of the trustees in relation to the trust during such preceding year;
- (b) the number of duly convened meetings of the trustees during such preceding year; and
- (c) a record of the attendances at such meetings of each of the trustees.

(1d) The Minister may, by notice in the Gazette, remove any trustee appointed under this section, whether before or after the commencement of the Trustees of Public Reserves (Limitation of Numbers and Retirement) Act, 1941, where the number of duly convened meetings of the trustees held during the year of the trust which commences in the year one thousand nine hundred and forty-two or during any subsequent year at which such trustee was present, is less than forty per centum of the total number of duly convened meetings of the trustees during such year.

(1E)

Trustees of Public Reserves (Limitation of Numbers and Retirement).

(1E) (a) No person of or above the age of seventy years shall be eligible for appointment under this section as a trustee.

(b) Any person appointed as a trustee under this section, whether before or after the commencement of the Trustees of Public Reserves (Limitation of Numbers and Retirement) Act, 1941, shall cease to hold office on the day upon which he attains the age of seventy years.

4. The Public Parks Act, 1912, as amended by subsequent Acts, is amended—

(a) by inserting at the end of subsection one of section four the words "The trustees so appointed shall not exceed seven in number";

Amendment of Act No. 40, 1912.
Sec. 4.
(Appointment of trustees.)

(b) by inserting at the end of section seven the following new subsection:—

Sec. 7.
(Vacancies how supplied.)

(2) No appointment under subsection one of this section shall be made which would have the effect of maintaining or increasing the total number of trustees beyond seven.

(c) by inserting after section seven the following new sections:—

New secs. 7A-7E.

7A. The Governor may appoint a person who holds a particular office or position to be a trustee by virtue of his holding that office or position.

Ex-officio trustees.

Where any such appointment is made, then in ascertaining the number of trustees for the purposes of subsection one of section four or of subsection two of section seven of this Act, the person so appointed shall not be counted.

Any person appointed to be a trustee by virtue of his holding a particular office or position shall cease to hold office as trustee on the day upon which he ceases to hold that office or position.

7B. (1) The number ascertained by dividing the total number of trustees by two and adding one to the quotient (any fractional remainder being disregarded) shall, unless a greater number

Quorum.

number

Trustees of Public Reserves (Limitation of Numbers and Retirement).

number is fixed by any by-law made (whether before or after the commencement of the Trustees of Public Reserves (Limitation of Numbers and Retirement) Act, 1941) in that behalf, be the number of trustees necessary to form a quorum at any meeting of the trustees.

(2) Any duly convened meeting of the trustees at which a quorum is present shall be competent to transact any business of the trustees.

(3) A decision of the majority of the trustees present at a meeting shall be the decision of the trustees.

(4) This section shall not apply in any case where the council of a municipality has been appointed, pursuant to section six of this Act, to be the trustees of any land.

7c. (1) Trustees appointed under this Act, whether before or after the commencement of the Trustees of Public Reserves (Limitation of Numbers and Retirement) Act, 1941, shall cause to be forwarded to the Minister during the month next following the close of each year of the trust an abstract of all moneys received and expended by them during the preceding year.

Together with such abstract the trustees shall cause to be forwarded to the Minister a statement setting forth—

- (a) the activities of the trustees in relation to the trust during such preceding year;
- (b) the number of duly convened meetings of the trustees during such preceding year; and
- (c) a record of the attendances at such meetings of each of the trustees.

(2) The provisions of subsection one of this section shall not apply in any case where the council of a municipality has been appointed, pursuant to section six of this Act, to be trustees of any land.

Every

Trustees to
report
annually to
Minister.

Trustees of Public Reserves (Limitation of Numbers and Retirement).

Every such council so appointed shall cause to be forwarded to the Minister in the month of January in each year a statement setting forth the activities of the council in relation to the trust during the preceding year.

7D. The Governor may, by notice in the Gazette, remove any trustee appointed under this Act, whether before or after the commencement of the Trustees of Public Reserves (Limitation of Numbers and Retirement) Act, 1941, where the number of duly convened meetings of the trustees held during the year of the trust which commences in the year one thousand nine hundred and forty-two or during any subsequent year at which such trustee was present is less than forty per centum of the total number of duly convened meetings of the trustees during such year.

Removal of trustees.

7E. (1) No person of or above the age of seventy years shall be eligible for appointment under this Act as a trustee.

Age limit.

(2) Any person appointed as a trustee under this Act, whether before or after the commencement of the Trustees of Public Reserves (Limitation of Numbers and Retirement) Act, 1941, shall cease to hold office as from the day on which he attains the age of seventy years.

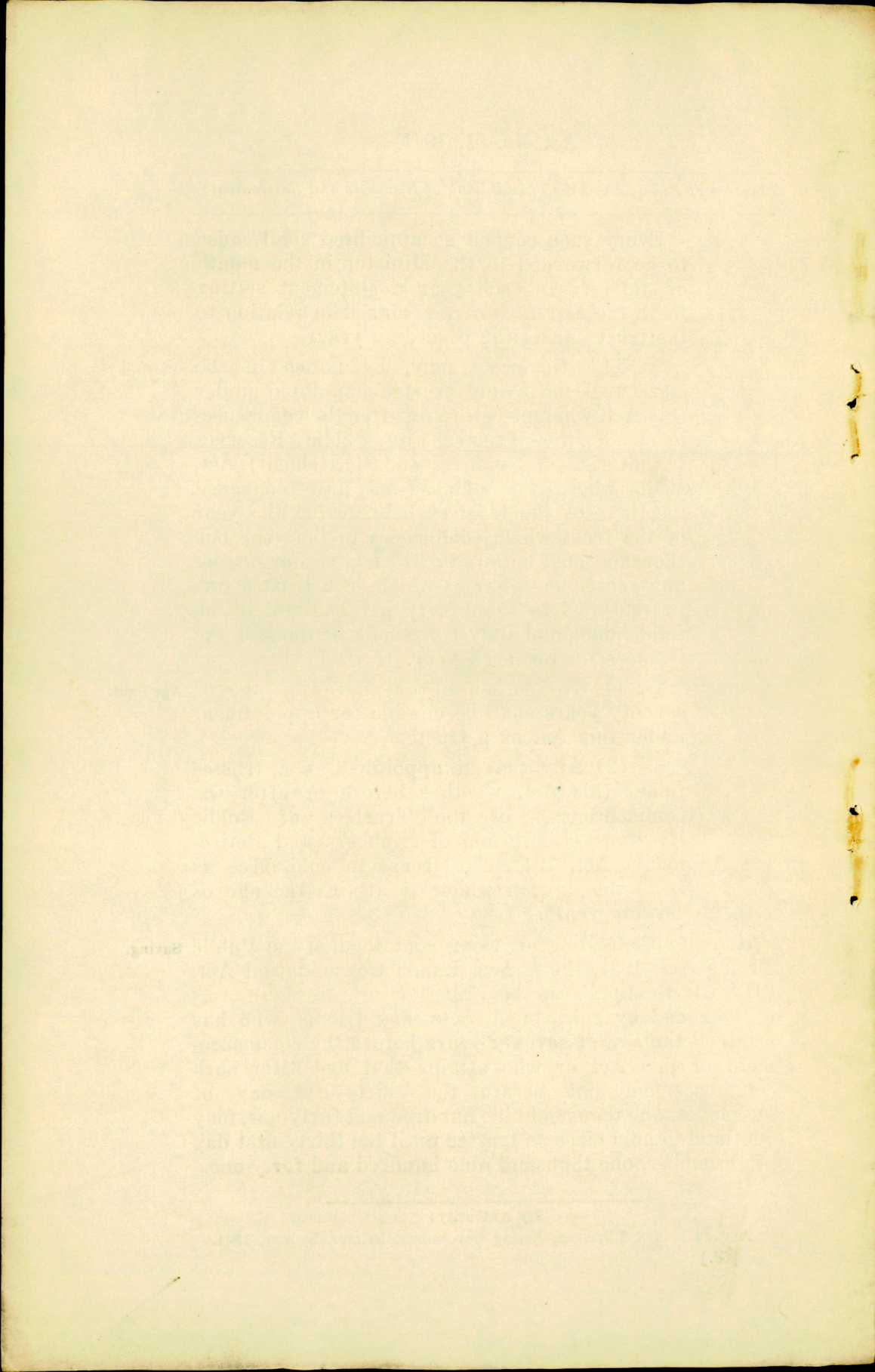
5. Notwithstanding anything contained in the Public Trusts Act, 1897, the Crown Lands Consolidation Act, 1913, the Public Parks Act, 1912, or any of those Acts as amended by subsequent Acts, any trustee who has attained the age of seventy years before the commencement of this Act or who attains that age after such commencement but before the thirty-first day of December, one thousand nine hundred and forty-one, may continue to hold office as trustee until the thirty-first day of December, one thousand nine hundred and forty-one.

Saving.

By Authority:

ALFRED HENRY PETTIFER, Acting Government Printer, Sydney, 1941.

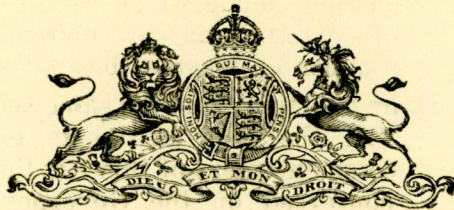
[6d.]



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. R. McCOURT,
Clerk of the Legislative Assembly.
Legislative Assembly Chamber,
Sydney, 29 October, 1941.

New South Wales.



ANNO QUINTO

GEORGII VI REGIS.

Act No. 51, 1941.

An Act to make provision for the limitation of the number of trustees of public reserves and for the retirement of such trustees upon attaining the age of seventy years; for these and other purposes to amend the Public Trusts Act, 1897, the Crown Lands Consolidation Act, 1913, the Public Parks Act, 1912, and certain other Acts in certain respects; and for purposes connected therewith. [Assented to, 5th November, 1941.]

BE

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

G. BOOTH,
Chairman of Committees of the Legislative Assembly.

Trustees of Public Reserves (Limitation of Numbers and Retirement).

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:—

Short
title.

1. This Act may be cited as the "Trustees of Public Reserves (Limitation of Numbers and Retirement) Act, 1941."

Amendment
of Act No.
8, 1897.

2. The Public Trusts Act, 1897, as amended by subsequent Acts, is amended—

Sec. 4.
(Governor
may
appoint
additional
trustees.)

(a) (i) by inserting in section four after the word "fit" the words "Provided that subject to section 4A of this Act no such appointment shall be made which would have the effect of maintaining or increasing the total number of trustees beyond seven";

(ii) by omitting from the same section the words "In the case of trusts existing at the commencement of this Act the power hereby conferred on the Governor shall not be exercised beyond the appointment of one such trustee if the majority of the existing trustees shall object in writing to such additional appointment";

(iii) by omitting from the same section the words "Provided always that in any trust created after the commencement of this Act the total number of trustees shall not exceed seven";

New secs.
4A-4E.

(b) by inserting after the same section the following new sections:—

Limitation
of number
of trustees
to seven.

4A. (1) Nothing contained in this Act or in any document or notice creating or authorising the creation of a trust shall authorise the Governor to make any appointment of a trustee whether to fill a vacancy or otherwise which would have the effect of maintaining or increasing the total number of trustees beyond seven.

Trustees of Public Reserves (Limitation of Numbers and Retirement).

(2) The Governor may appoint a person who holds a particular office or position to be a trustee by virtue of his holding that office or position.

Where any such appointment is made, then in ascertaining the number of trustees for the purposes of subsection one of this section, the person so appointed shall not be counted.

Any person appointed to be a trustee by virtue of his holding a particular office or position shall cease to hold office as trustee on the day upon which he ceases to hold that office or position.

4B. (1) The number ascertained by dividing **Quorum.** the total number of trustees by two and adding one to the quotient (any fractional remainder being disregarded) shall, unless a greater number is fixed by any rule, regulation, by-law or ordinance made (whether before or after the commencement of the Trustees of Public Reserves (Limitation of Numbers and Retirement) Act, 1941) in that behalf, be the number of trustees necessary to form a quorum at any meeting of the trustees.

(2) Any duly convened meeting of the trustees at which a quorum is present shall be competent to transact any business of the trustees.

(3) A decision of the majority of the trustees present at a meeting shall be the decision of the trustees.

(4) This section shall not apply in any case where a corporate body has been appointed, pursuant to section two of this Act, to be trustees of any land.

4c. (1) Trustees appointed under this Act, whether before or after the commencement of the Trustees of Public Reserves (Limitation of Numbers and Retirement) Act, 1941, shall cause to be forwarded to the Minister during the month **Trustees to report annually to Minister.**
next

Trustees of Public Reserves (Limitation of Numbers and Retirement).

next following the close of each year of the trust an abstract of all moneys received and expended by them during the preceding year.

Together with such abstract the trustees shall cause to be forwarded to the Minister a statement setting forth—

- (a) the activities of the trustees in relation to the trust during such preceding year;
- (b) the number of duly convened meetings of the trustees during such preceding year; and
- (c) a record of the attendances at such meetings of each of the trustees.

(2) The provisions of subsection one of this section shall not apply in any case where a corporate body has been appointed, pursuant to section two of this Act, to be trustees of any land.

Every such corporate body so appointed shall cause to be forwarded to the Minister in the month of January in each year a statement setting forth the activities of the corporate body in relation to the trust during the preceding year.

Removal of trustees.

4D. The Governor may, by notice in the Gazette, remove any trustee appointed under this Act, whether before or after the commencement of the Trustees of Public Reserves (Limitation of Numbers and Retirement) Act, 1941, where the number of duly convened meetings of the trustees held during the year of the trust which commences in the year one thousand nine hundred and forty-two or during any subsequent year at which such trustee was present, is less than forty per centum of the total number of duly convened meetings of the trustees during such year.

Age limit.

4E. (1) No person of or above the age of seventy years shall be eligible for appointment under this Act as a trustee.

(2)

Trustees of Public Reserves (Limitation of Numbers and Retirement).

(2) Any person appointed as a trustee under this Act, whether before or after the commencement of the Trustees of Public Reserves (Limitation of Numbers and Retirement) Act, 1941, shall cease to hold office on the day upon which he attains the age of seventy years.

3. The Crown Lands Consolidation Act, 1913, as amended by subsequent Acts, is amended—

Amendment
of Act No.
7, 1913.

(a) by inserting in subsection one of section twenty-six after the word "three" the words "nor (subject to subsection (1A) of this section) more than seven";

Sec. 26.
(Appoint-
ment of
trustees.)

(b) by inserting at the end of the same subsection the following new subsections:—

(1A) (a) Nothing contained in subsection one of this section shall authorise the Minister to make any appointment of a trustee whether to fill any vacancy or otherwise which would have the effect of maintaining or increasing the total number of trustees beyond seven.

(b) The Minister may appoint a person who holds a particular office or position to be a trustee by virtue of his holding that office or position.

Where any such appointment is made, then in ascertaining the number of trustees for the purposes of paragraph (a) of this subsection, the person so appointed shall not be counted.

Any person appointed to be a trustee by virtue of his holding a particular office or position shall cease to hold office as trustee on the day upon which he ceases to hold that office or position.

(1B) (a) The number ascertained by dividing the total number of trustees by two and adding one to the quotient (any fractional remainder being disregarded) shall, unless a greater number is fixed by any rule or regulation, made (whether before or after the commencement of the Trustees of Public Reserves (Limitation of Numbers

Trustees of Public Reserves (Limitation of Numbers and Retirement).

Numbers and Retirement) Act, 1941) in that behalf, be the number of trustees necessary to form a quorum at any meeting of the trustees.

(b) Any duly convened meeting of the trustees at which a quorum is present shall be competent to transact any business of the trustees.

(c) A decision of the majority of the trustees present at a meeting shall be the decision of the trustees.

(1c) Trustees appointed under this section, whether before or after the commencement of the Trustees of Public Reserves (Limitation of Numbers and Retirement) Act, 1941, shall cause to be forwarded to the Minister during the month next following the close of each year of the trust an abstract of all moneys received and expended by them during the preceding year.

Together with such abstract the trustees shall cause to be forwarded to the Minister a statement setting forth—

- (a) the activities of the trustees in relation to the trust during such preceding year;
- (b) the number of duly convened meetings of the trustees during such preceding year; and
- (c) a record of the attendances at such meetings of each of the trustees.

(1d) The Minister may, by notice in the Gazette, remove any trustee appointed under this section, whether before or after the commencement of the Trustees of Public Reserves (Limitation of Numbers and Retirement) Act, 1941, where the number of duly convened meetings of the trustees held during the year of the trust which commences in the year one thousand nine hundred and forty-two or during any subsequent year at which such trustee was present, is less than forty per centum of the total number of duly convened meetings of the trustees during such year.

(1E)

Trustees of Public Reserves (Limitation of Numbers and Retirement).

(1E) (a) No person of or above the age of seventy years shall be eligible for appointment under this section as a trustee.

(b) Any person appointed as a trustee under this section, whether before or after the commencement of the Trustees of Public Reserves (Limitation of Numbers and Retirement) Act, 1941, shall cease to hold office on the day upon which he attains the age of seventy years.

4. The Public Parks Act, 1912, as amended by subsequent Acts, is amended—

(a) by inserting at the end of subsection one of section four the words "The trustees so appointed shall not exceed seven in number";

(b) by inserting at the end of section seven the following new subsection:—

(2) No appointment under subsection one of this section shall be made which would have the effect of maintaining or increasing the total number of trustees beyond seven.

(c) by inserting after section seven the following new sections:—

7A. The Governor may appoint a person who holds a particular office or position to be a trustee by virtue of his holding that office or position.

Where any such appointment is made, then in ascertaining the number of trustees for the purposes of subsection one of section four or of subsection two of section seven of this Act, the person so appointed shall not be counted.

Any person appointed to be a trustee by virtue of his holding a particular office or position shall cease to hold office as trustee on the day upon which he ceases to hold that office or position.

7B. (1) The number ascertained by dividing the total number of trustees by two and adding one to the quotient (any fractional remainder being disregarded) shall, unless a greater number

Amendment
of Act No.
40, 1912.

Sec. 4.
(Appoint-
ment of
trustees.)

Sec. 7.
(Vacancies
how
supplied.)

New secs.
7A-7E.

Ex-officio
trustees.

Quorum.

Trustees of Public Reserves (Limitation of Numbers and Retirement).

number is fixed by any by-law made (whether before or after the commencement of the Trustees of Public Reserves (Limitation of Numbers and Retirement) Act, 1941) in that behalf, be the number of trustees necessary to form a quorum at any meeting of the trustees.

(2) Any duly convened meeting of the trustees at which a quorum is present shall be competent to transact any business of the trustees.

(3) A decision of the majority of the trustees present at a meeting shall be the decision of the trustees.

(4) This section shall not apply in any case where the council of a municipality has been appointed, pursuant to section six of this Act, to be the trustees of any land.

Trustees to
report
annually to
Minister.

7c. (1) Trustees appointed under this Act, whether before or after the commencement of the Trustees of Public Reserves (Limitation of Numbers and Retirement) Act, 1941, shall cause to be forwarded to the Minister during the month next following the close of each year of the trust an abstract of all moneys received and expended by them during the preceding year.

Together with such abstract the trustees shall cause to be forwarded to the Minister a statement setting forth—

- (a) the activities of the trustees in relation to the trust during such preceding year;
- (b) the number of duly convened meetings of the trustees during such preceding year; and
- (c) a record of the attendances at such meetings of each of the trustees.

(2) The provisions of subsection one of this section shall not apply in any case where the council of a municipality has been appointed, pursuant to section six of this Act, to be trustees of any land.

Every

Trustees of Public Reserves (Limitation of Numbers and Retirement).

Every such council so appointed shall cause to be forwarded to the Minister in the month of January in each year a statement setting forth the activities of the council in relation to the trust during the preceding year.

7D. The Governor may, by notice in the Gazette, remove any trustee appointed under this Act, whether before or after the commencement of the Trustees of Public Reserves (Limitation of Numbers and Retirement) Act, 1941, where the number of duly convened meetings of the trustees held during the year of the trust which commences in the year one thousand nine hundred and forty-two or during any subsequent year at which such trustee was present is less than forty per centum of the total number of duly convened meetings of the trustees during such year. Removal of trustees.

7E. (1) No person of or above the age of seventy years shall be eligible for appointment under this Act as a trustee. Age limit.

(2) Any person appointed as a trustee under this Act, whether before or after the commencement of the Trustees of Public Reserves (Limitation of Numbers and Retirement) Act, 1941, shall cease to hold office as from the day on which he attains the age of seventy years.

5. Notwithstanding anything contained in the Public Trusts Act, 1897, the Crown Lands Consolidation Act, 1913, the Public Parks Act, 1912, or any of those Acts as amended by subsequent Acts, any trustee who has attained the age of seventy years before the commencement of this Act or who attains that age after such commencement but before the thirty-first day of December, one thousand nine hundred and forty-one, may continue to hold office as trustee until the thirty-first day of December, one thousand nine hundred and forty-one. Saving.

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

WAKEHURST,
Governor.

Government House,
Sydney, 5th November, 1941.

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. R. McCOURT,
Clerk of the Legislative Assembly.
Legislative Assembly Chamber,
Sydney, 8 October, 1941.

New South Wales.



ANNO QUINTO

GEORGII VI REGIS.

Act No. , 1941.

An Act to make provision for the limitation of the number of trustees of public reserves and for the retirement of such trustees upon attaining the age of seventy years; for these and other purposes to amend the Public Trusts Act, 1897, the Crown Lands Consolidation Act, 1913, the Public Parks Act, 1912, and certain other Acts in certain respects; and for purposes connected therewith.

Trustees of Public Reserves (Limitation of Numbers and Retirement).

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
5 the same, as follows:—

1. This Act may be cited as the "Trustees of Public Reserves (Limitation of Numbers and Retirement) Act, 1941." Short title.

2. The Public Trusts Act, 1897, as amended by
10 subsequent Acts, is amended— Amendment of Act No. 8, 1897.

(a) (i) by inserting in section four after the word "fit" the words "Provided that subject to section 4A of this Act no such appointment shall be made which would have the effect of maintaining or increasing the total number of trustees beyond seven"; Sec. 4. (Governor may appoint additional trustees.)

15

(ii) by omitting from the same section the words "In the case of trusts existing at the commencement of this Act the power hereby conferred on the Governor shall not be exercised beyond the appointment of one such trustee if the majority of the existing trustees shall object in writing to such additional appointment";

20

(iii) by omitting from the same section the words "Provided always that in any trust created after the commencement of this Act the total number of trustees shall not exceed seven";

25

(b) by inserting after the same section the following new sections:— New secs. 4A-4E.

30

4A. (1) Nothing contained in this Act or in any document or notice creating or authorising the creation of a trust shall authorise the Governor to make any appointment of a trustee whether to fill a vacancy or otherwise which would have the effect of maintaining or increasing the total number of trustees beyond seven. Limitation of number of trustees to seven.

35

Trustees of Public Reserves (Limitation of Numbers and Retirement).

(2) The Governor may appoint a person who holds a particular office or position to be a trustee by virtue of his holding that office or position.

5 Where any such appointment is made, then in ascertaining the number of trustees for the purposes of subsection one of this section, the person so appointed shall not be counted.

10 Any person appointed to be a trustee by virtue of his holding a particular office or position shall cease to hold office as trustee on the day upon which he ceases to hold that office or position.

15 4B. (1) The number ascertained by dividing the total number of trustees by two and adding one to the quotient (any fractional remainder being disregarded) shall, unless a greater number is fixed by any rule, regulation, by-law or ordinance made (whether before or after the commencement of the Trustees of Public Reserves (Limitation of Numbers and Retirement) Act, 1941) in that behalf, be the number of trustees necessary to form a quorum at any meeting of the trustees. Quorum.

20 (2) Any duly convened meeting of the trustees at which a quorum is present shall be competent to transact any business of the trustees.

25 (3) A decision of the majority of the trustees present at a meeting shall be the decision of the trustees.

30 (4) This section shall not apply in any case where a corporate body has been appointed, pursuant to section two of this Act, to be trustees of any land.

35 4c. (1) Trustees appointed under this Act, whether before or after the commencement of the Trustees of Public Reserves (Limitation of Numbers and Retirement) Act, 1941, shall cause to be forwarded to the Minister during the month next Trustees to report annually to Minister.

Trustees of Public Reserves (Limitation of Numbers and Retirement).

next following the close of each year of the trust an abstract of all moneys received and expended by them during the preceding year.

5 Together with such abstract the trustees shall cause to be forwarded to the Minister a statement setting forth—

- (a) the activities of the trustees in relation to the trust during such preceding year;
- 10 (b) the number of duly convened meetings of the trustees during such preceding year; and
- (c) a record of the attendances at such meetings of each of the trustees.

15 (2) The provisions of subsection one of this section shall not apply in any case where a corporate body has been appointed, pursuant to section two of this Act, to be trustees of any land.

20 Every such corporate body so appointed shall cause to be forwarded to the Minister in the month of January in each year a statement setting forth the activities of the corporate body in relation to the trust during the preceding year.

25 4D. The Governor may, by notice in the Gazette, remove any trustee appointed under this Act, whether before or after the commencement of the Trustees of Public Reserves (Limitation of Numbers and Retirement) Act, 1941, where the number of duly convened meetings of the trustees held during the year of the trust which commences in the year one thousand nine hundred and forty-two or during any subsequent year at which such trustee was present, is less than forty per centum of the total number of duly convened meetings of the trustees during such year.

Removal of trustees.

35 4E. (1) No person of or above the age of seventy years shall be eligible for appointment under this Act as a trustee.

Age limit.

(2)

Trustees of Public Reserves (Limitation of Numbers and Retirement).

5 (2) Any person appointed as a trustee under this Act, whether before or after the commencement of the Trustees of Public Reserves (Limitation of Numbers and Retirement) Act, 1941, shall cease to hold office on the day upon which he attains the age of seventy years.

3. The Crown Lands Consolidation Act, 1913, as amended by subsequent Acts, is amended—

10 (a) by inserting in subsection one of section twenty-six after the word "three" the words "nor (subject to subsection (1A) of this section) more than seven";

15 (b) by inserting at the end of the same subsection the following new subsections:—

20 (1A) (a) Nothing contained in subsection one of this section shall authorise the Minister to make any appointment of a trustee whether to fill any vacancy or otherwise which would have the effect of maintaining or increasing the total number of trustees beyond seven.

25 (b) The Minister may appoint a person who holds a particular office or position to be a trustee by virtue of his holding that office or position.

Where any such appointment is made, then in ascertaining the number of trustees for the purposes of paragraph (a) of this subsection, the person so appointed shall not be counted.

30 Any person appointed to be a trustee by virtue of his holding a particular office or position shall cease to hold office as trustee on the day upon which he ceases to hold that office or position.

35 (1B) (a) The number ascertained by dividing the total number of trustees by two and adding one to the quotient (any fractional remainder being disregarded) shall, unless a greater number is fixed by any rule or regulation, made (whether before or after the commencement of the Trustees of Public Reserves (Limitation of
40 Numbers

Amendment
of Act No.
7, 1913.

Sec. 26.
(Appoint-
ment of
trustees.)

Trustees of Public Reserves (Limitation of Numbers and Retirement).

Numbers and Retirement) Act, 1941) in that behalf, be the number of trustees necessary to form a quorum at any meeting of the trustees.

5 (b) Any duly convened meeting of the trustees at which a quorum is present shall be competent to transact any business of the trustees.

10 (c) A decision of the majority of the trustees present at a meeting shall be the decision of the trustees.

15 (1c) Trustees appointed under this section, whether before or after the commencement of the Trustees of Public Reserves (Limitation of Numbers and Retirement) Act, 1941, shall cause to be forwarded to the Minister during the month next following the close of each year of the trust an abstract of all moneys received and expended by them during the preceding year.

20 Together with such abstract the trustees shall cause to be forwarded to the Minister a statement setting forth—

25 (a) the activities of the trustees in relation to the trust during such preceding year;
(b) the number of duly convened meetings of the trustees during such preceding year; and

(c) a record of the attendances at such meetings of each of the trustees.

30 (1d) The Minister may, by notice in the Gazette, remove any trustee appointed under this section, whether before or after the commencement of the Trustees of Public Reserves (Limitation of Numbers and Retirement) Act, 1941, where the number of duly convened meetings of the trustees held during the year of the trust which commences in the year one thousand nine hundred and forty-two or during any subsequent year at which such trustee was present, is less than forty per centum of the total number of duly convened meetings of the trustees during such year.

(1E)

Trustees of Public Reserves (Limitation of Numbers and Retirement).

(1E) (a) No person of or above the age of seventy years shall be eligible for appointment under this section as a trustee.

5 (b) Any person appointed as a trustee under this section, whether before or after the commencement of the Trustees of Public Reserves (Limitation of Numbers and Retirement) Act, 1941, shall cease to hold office on the day upon which he attains the age of seventy
10 years.

4. The Public Parks Act, 1912, as amended by subsequent Acts, is amended— Amendment of Act No. 40, 1912.

(a) by inserting at the end of subsection one of section four the words "The trustees so appointed shall not exceed seven in number"; Sec. 4. (Appointment of trustees.)

(b) by inserting at the end of section seven the following new subsection:— Sec. 7. (Vacancies how supplied.)

(2) No appointment under subsection one of this section shall be made which would have the effect of maintaining or increasing the total number of trustees beyond seven.

(c) by inserting after section seven the following new sections:— New secs. 7A-7E.

7A. The Governor may appoint a person who holds a particular office or position to be a trustee by virtue of his holding that office or position. Ex-officio trustees.

Where any such appointment is made, then in ascertaining the number of trustees for the purposes of subsection one of section four or of subsection two of section seven of this Act, the person so appointed shall not be counted.

Any person appointed to be a trustee by virtue of his holding a particular office or position shall cease to hold office as trustee on the day upon which he ceases to hold that office or position.

7B. (1) The number ascertained by dividing the total number of trustees by two and adding one to the quotient (any fractional remainder being disregarded) shall, unless a greater number Quorum.

Trustees of Public Reserves (Limitation of Numbers and Retirement).

number is fixed by any by-law made (whether before or after the commencement of the Trustees of Public Reserves (Limitation of Numbers and Retirement) Act, 1941) in that behalf, be the number of trustees necessary to form a quorum at any meeting of the trustees.

5

(2) Any duly convened meeting of the trustees at which a quorum is present shall be competent to transact any business of the trustees.

10

(3) A decision of the majority of the trustees present at a meeting shall be the decision of the trustees.

15

(4) This section shall not apply in any case where the council of a municipality has been appointed, pursuant to section six of this Act, to be the trustees of any land.

20

7c. (1) Trustees appointed under this Act, whether before or after the commencement of the Trustees of Public Reserves (Limitation of Numbers and Retirement) Act, 1941, shall cause to be forwarded to the Minister during the month next following the close of each year of the trust an abstract of all moneys received and expended by them during the preceding year.

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Together with such abstract the trustees shall cause to be forwarded to the Minister a statement setting forth—

30

- (a) the activities of the trustees in relation to the trust during such preceding year;
- (b) the number of duly convened meetings of the trustees during such preceding year; and
- (c) a record of the attendances at such meetings of each of the trustees.

35

(2) The provisions of subsection one of this section shall not apply in any case where the council of a municipality has been appointed, pursuant to section six of this Act, to be trustees of any land.

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Every

Trustees of Public Reserves (Limitation of Numbers and Retirement)

5 Every such council so appointed shall cause to be forwarded to the Minister in the month of January in each year a statement setting forth the activities of the council in relation to the trust during the preceding year.

7D. The Governor may, by notice in the Gazette, remove any trustee appointed under this Act, whether before or after the commencement of the Trustees of Public Reserves (Limitation of Numbers and Retirement) Act, 1941, where the number of duly convened meetings of the trustees held during the year of the trust which commences in the year one thousand nine hundred and forty-two or during any subsequent year at which such trustee was present is less than forty per centum of the total number of duly convened meetings of the trustees during such year.

Removal of trustees.

7E. (1) No person of or above the age of seventy years shall be eligible for appointment under this Act as a trustee.

Age limit.

(2) Any person appointed as a trustee under this Act, whether before or after the commencement of the Trustees of Public Reserves (Limitation of Numbers and Retirement) Act, 1941, shall cease to hold office as from the day on which he attains the age of seventy years.

5. Notwithstanding anything contained in the Public Trusts Act, 1897, the Crown Lands Consolidation Act, 1913, the Public Parks Act, 1912, or any of those Acts as amended by subsequent Acts, any trustee who has attained the age of seventy years before the commencement of this Act or who attains that age after such commencement but before the thirty-first day of December, one thousand nine hundred and forty-one, may continue to hold office as trustee until the thirty-first day of December, one thousand nine hundred and forty-one.

Saving.

[10d.] Sydney: Alfred Henry Pettifer, Acting Government Printer—1941.

THE UNIVERSITY OF CHICAGO
LIBRARY



No. , 1941.

A BILL

To make provision for the limitation of the number of trustees of public reserves and for the retirement of such trustees upon attaining the age of seventy years; for these and other purposes to amend the Public Trusts Act, 1897, the Crown Lands Consolidation Act, 1913, the Public Parks Act, 1912, and certain other Acts in certain respects; and for purposes connected therewith.

[MR. TULLY;—4 *September*, 1941.]

Trustees of Public Reserves (Limitation of Numbers and Retirement).

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 5 the same, as follows:—

1. This Act may be cited as the "Trustees of Public Reserves (Limitation of Numbers and Retirement) Act, 1941." Short title.

2. The Public Trusts Act, 1897, as amended by 10 subsequent Acts, is amended—

(a) (i) by inserting in section four after the word "fit" the words "Provided that subject to section 4A of this Act no such appointment shall be made which would have the effect of maintaining or increasing the total number of trustees beyond seven"; Amendment of Act No. 8, 1897. Sec. 4. (Governor may appoint additional trustees.)

(ii) by omitting from the same section the words "In the case of trusts existing at the commencement of this Act the power hereby conferred on the Governor shall not be exercised beyond the appointment of one such trustee if the majority of the existing trustees shall object in writing to such additional appointment";

(iii) by omitting from the same section the words "Provided always that in any trust created after the commencement of this Act the total number of trustees shall not exceed seven";

(b) by inserting after the same section the following new sections:— New secs. 4A-4E.

4A. (1) Nothing contained in this Act or in any document or notice creating or authorising the creation of a trust shall authorise the Governor to make any appointment of a trustee whether to fill a vacancy or otherwise which would have the effect of maintaining or increasing the total number of trustees beyond seven. Limitation of number of trustees to seven.

Trustees of Public Reserves (Limitation of Numbers and Retirement).

(2) The Governor may appoint a person who holds a particular office or position to be a trustee by virtue of his holding that office or position.

5 Where any such appointment is made, then in ascertaining the number of trustees for the purposes of subsection one of this section, the person so appointed shall not be counted.

10 Any person appointed to be a trustee by virtue of his holding a particular office or position shall cease to hold office as trustee on the day upon which he ceases to hold that office or position.

15 4B. (1) The number ascertained by dividing Quorum. the total number of trustees by two and adding one to the quotient (any fractional remainder being disregarded) shall, unless a greater number is fixed by any rule, regulation, by-law or ordinance made (whether before or after the commencement of the Trustees of Public Reserves (Limitation of Numbers and Retirement) Act, 1941) in that behalf, be the number of trustees necessary to form a quorum at any meeting of the trustees.

20 (2) Any duly convened meeting of the trustees at which a quorum is present shall be competent to transact any business of the trustees.

25 (3) A decision of the majority of the trustees present at a meeting shall be the decision of the trustees.

30 (4) This section shall not apply in any case where a corporate body has been appointed, pursuant to section two of this Act, to be trustees of any land.

35 4c. (1) Trustees appointed under this Act, whether before or after the commencement of the Trustees of Public Reserves (Limitation of Numbers and Retirement) Act, 1941, shall cause to be forwarded to the Minister during the month of
Trustees to report annually to Minister.

Trustees of Public Reserves (Limitation of Numbers and Retirement).

of January in each year an abstract of all moneys received and expended by them during the preceding year.

5 Together with such abstract the trustees shall cause to be forwarded to the Minister a statement setting forth—

- (a) the activities of the trustees in relation to the trust during such preceding year;
- 10 (b) the number of duly convened meetings of the trustees during such preceding year; and
- (c) a record of the attendances at such meetings of each of the trustees.

15 (2) The provisions of subsection one of this section shall not apply in any case where a corporate body has been appointed, pursuant to section two of this Act, to be trustees of any land.

20 Every such corporate body so appointed shall cause to be forwarded to the Minister in the month of January in each year a statement setting forth the activities of the corporate body in relation to the trust during the preceding year.

25 4D. The Governor may, by notice in the Gazette, remove any trustee appointed under this Act, whether before or after the commencement of the Trustees of Public Reserves (Limitation of Numbers and Retirement) Act, 1941, where the number of duly convened meetings of the trustees held during the year commencing on the first day of January one thousand nine hundred and forty-two or during any subsequent year at which such trustee was present, is less than forty per centum of the total number of duly convened meetings of the trustees during such year.

Removal of trustees.

35 4E. (1) No person of or above the age of seventy years shall be eligible for appointment under this Act as a trustee.

Age limit.

(2)

Trustees of Public Reserves (Limitation of Numbers and Retirement).

5 (2) Any person appointed as a trustee under this Act, whether before or after the commencement of the Trustees of Public Reserves (Limitation of Numbers and Retirement) Act, 1941, shall cease to hold office on the day upon which he attains the age of seventy years.

3. The Crown Lands Consolidation Act, 1913, as amended by subsequent Acts, is amended—

10 (a) by inserting in subsection one of section twenty-six after the word "three" the words "nor (subject to subsection (1A) of this section) more than seven";

15 (b) by inserting at the end of the same subsection the following new subsections:—

20 (1A) (a) Nothing contained in subsection one of this section shall authorise the Minister to fill any vacancy which would have the effect of maintaining or increasing the total number of trustees beyond seven.

(b) The Minister may appoint a person who holds a particular office or position to be a trustee by virtue of his holding that office or position,

25 Where any such appointment is made, then in ascertaining the number of trustees for the purposes of paragraph (a) of this subsection, the person so appointed shall not be counted.

30 Any person appointed to be a trustee by virtue of his holding a particular office or position shall cease to hold office as trustee on the day upon which he ceases to hold that office or position.

35 (1B) (a) The number ascertained by dividing the total number of trustees by two and adding one to the quotient (any fractional remainder being disregarded) shall, unless a greater number is fixed by any rule or regulation, made (whether before or after the commencement of the Trustees of Public Reserves (Limitation of Numbers

Amendment
of Act No.
7, 1913.

Sec. 26.
(Appoint-
ment of
trustees.)

Trustees of Public Reserves (Limitation of Numbers and Retirement).

Numbers and Retirement) Act, 1941) in that behalf, be the number of trustees necessary to form a quorum at any meeting of the trustees.

5 (b) Any duly convened meeting of the trustees at which a quorum is present shall be competent to transact any business of the trustees.

10 (c) A decision of the majority of the trustees present at a meeting shall be the decision of the trustees.

15 (1c) Trustees appointed under this Act, whether before or after the commencement of the Trustees of Public Reserves (Limitation of Numbers and Retirement) Act, 1941, shall cause to be forwarded to the Minister during the month of January in each year an abstract of all moneys received and expended by them during the preceding year.

20 Together with such abstract the trustees shall cause to be forwarded to the Minister a statement setting forth—

- 25 (a) the activities of the trustees in relation to the trust during such preceding year;
(b) the number of duly convened meetings of the trustees during such preceding year; and
(c) a record of the attendances at such meetings of each of the trustees.

30 (1d) The Minister may, by notice in the Gazette, remove any trustee appointed under this Act, whether before or after the commencement of the Trustees of Public Reserves (Limitation of Numbers and Retirement) Act, 1941, where the number of duly convened meetings of the trustees held during the year commencing on the first day of January one thousand nine hundred and forty-two or during any subsequent year at which such trustee was present, is less than forty per centum of the total number of duly convened meetings of the trustees during such year.

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(1E)

Trustees of Public Reserves (Limitation of Numbers and Retirement).

(1E) (a) No person of or above the age of seventy years shall be eligible for appointment under this section as a trustee.

5 (b) Any person appointed as a trustee under this section, whether before or after the commencement of the Trustees of Public Reserves (Limitation of Numbers and Retirement) Act, 1941, shall cease to hold office on the day upon which he attains the age of seventy years.

10 4. The Public Parks Act, 1912, as amended by subsequent Acts, is amended—

(a) by inserting at the end of subsection one of section four the words "The trustees so appointed shall not exceed seven in number";

15 (b) by inserting at the end of section seven the following new subsection:—

(2) No appointment under subsection one of this section shall be made which would have the effect of maintaining or increasing the total number of trustees beyond seven.

(c) by inserting after section seven the following new sections:—

25 7A. The Governor may appoint a person who holds a particular office or position to be a trustee by virtue of his holding that office or position.

30 Where any such appointment is made, then in ascertaining the number of trustees for the purposes of subsection one of section four or of subsection two of section seven of this Act, the person so appointed shall not be counted.

35 Any person appointed to be a trustee by virtue of his holding a particular office or position shall cease to hold office as trustee on the day upon which he ceases to hold that office or position.

7B. (1) The number ascertained by dividing the total number of trustees by two and adding one to the quotient (any fractional remainder being disregarded) shall, unless a greater number

Amendment of Act No. 40, 1912.

Sec. 4.

(Appointment of trustees.)

Sec. 7.

(Vacancies how supplied.)

New secs. 7A-7E.

Ex-officio trustees.

Quorum.

Trustees of Public Reserves (Limitation of Numbers and Retirement).

5 number is fixed by any by-law made (whether before or after the commencement of the Trustees of Public Reserves (Limitation of Numbers and Retirement) Act, 1941) in that behalf, be the number of trustees necessary to form a quorum at any meeting of the trustees.

10 (2) Any duly convened meeting of the trustees at which a quorum is present shall be competent to transact any business of the trustees.

(3) A decision of the majority of the trustees present at a meeting shall be the decision of the trustees.

15 (4) This section shall not apply in any case where the council of a municipality has been appointed, pursuant to section six of this Act, to be the trustees of any land.

20 7c. (1) Trustees appointed under this Act, whether before or after the commencement of the Trustees of Public Reserves (Limitation of Numbers and Retirement) Act, 1941, shall cause to be forwarded to the Minister during the month of January in each year an abstract of all moneys received and expended by them during the preceding year.

Trustees to report annually to Minister.

25 Together with such abstract the trustees shall cause to be forwarded to the Minister a statement setting forth—

30 (a) the activities of the trustees in relation to the trust during such preceding year;

(b) the number of duly convened meetings of the trustees during such preceding year; and

35 (c) a record of the attendances at such meetings of each of the trustees.

40 (2) The provisions of subsection one of this section shall not apply in any case where the council of a municipality has been appointed, pursuant to section six of this Act, to be trustees of any land.

Every

Trustees of Public Reserves (Limitation of Numbers and Retirement).

5 Every such council so appointed shall cause to be forwarded to the Minister in the month of January in each year a statement setting forth the activities of the council in relation to the trust during the preceding year.

7D. The Governor may, by notice in the Gazette, remove any trustee appointed under this Act, whether before or after the commencement of the Trustees of Public Reserves (Limitation of Numbers and Retirement) Act, 1941, where the number of duly convened meetings of the trustees held during the year commencing on the first day of January one thousand nine hundred and forty-two or during any subsequent year at which such trustee was present is less than forty per centum of the total number of duly convened meetings of the trustees during such year. Removal of trustees.

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7E. (1) No person of or above the age of seventy years shall be eligible for appointment under this Act as a trustee. Age limit.

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(2) Any person appointed as a trustee under this Act, whether before or after the commencement of the Trustees of Public Reserves (Limitation of Numbers and Retirement) Act, 1941, shall cease to hold office as from the day on which he attains the age of seventy years.

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5. Notwithstanding anything contained in the Public Trusts Act, 1897, the Crown Lands Consolidation Act, 1913, the Public Parks Act, 1912, or any of those Acts as amended by subsequent Acts, any trustee who has attained the age of seventy years before the commencement of this Act or who attains that age after such commencement but before the thirty-first day of December, one thousand nine hundred and forty-one, may continue to hold office as trustee until the thirty-first day of December, one thousand nine hundred and forty-one. Saving.

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[10d.]

Sydney: Alfred Henry Pettifer, Acting Government Printer—1941.

