

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.

I. P. K. VIDLER,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 26 August, 1971.*

New South Wales



ANNO VICESIMO

ELIZABETHÆ II REGINÆ

Act No. , 1971.

An Act to confer on the Minister certain powers, authorities, duties and functions of the Governor under the Public Trusts Act, 1897, the Commons Regulation Act, 1898, and the Public Parks Act, 1912; to enable the Minister to delegate such powers, authorities, duties and functions; for these and other purposes to amend those Acts; and for purposes connected therewith.

BE

Public Trusts and Other Acts (Amendment).

BE it enacted by the Queen'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 "Public Trusts and Other Acts (Amendment) Act, 1971".

Short title.

2. The Public Trusts Act, 1897, is amended—

Amendment of Act No. 8, 1897.

(a) by omitting from subsection one of section one the words "The Governor shall be deemed to have had and" and by inserting in lieu thereof the words "The Minister";

Sec. 1. (Appointment of trustees of land temporarily reserved.)

(b) (i) by omitting subsection one of section two and by inserting in lieu thereof the following subsection : —

Sec. 2. (Corporations or councils may be appointed trustees.)

(I) The Minister may—

(a) by notice in the Gazette, appoint as trustees of land set apart, dedicated or reserved (temporarily or otherwise) for any public purpose—

(i) subject to subsection (IA) of this section, a council; or

(ii) any other corporate body; and

(b)

Public Trusts and Other Acts (Amendment).

- (b) by that or a subsequent like notice, vest the land in such council or corporate body.
- 5 (ii) by inserting next after subsection one of the same section the following new subsection :—
- (IA) A council shall not be appointed trustees of any land that is partly within its area and partly within the area of another council except with the consent of that other council.
- 10 (iii) by omitting from subsection two of the same section the words “, or were the council of a municipality” and by inserting in lieu thereof the words “or council”; (Validation of past appointments.)
- 15 (c) by omitting from section three the words “Governor may by notice in the Gazette, and without any deed, grant, or other assurance,” and by inserting in lieu thereof the words “Minister may by notice in the Gazette”; Sec. 3. (Minister may vest land in trustees.)
- 20 (d) (i) by omitting from section four the word “Governor” wherever occurring and by inserting in lieu thereof the word “Minister”; Sec. 4. (Minister may appoint additional trustees.)
- (ii) by omitting from the same section the words “grant to, or by notice in the Gazette vest in,” and by inserting in lieu thereof the words “by notice in the Gazette vest in”;
- 25 (iii) by omitting from the same section the word “colony” and by inserting in lieu thereof the word “State”;
- 30 (e) by omitting from section 4A the word “Governor” wherever occurring and by inserting in lieu thereof the word “Minister”; Sec. 4A. (Limitation of number of trustees to seven.)
- (f)

Public Trusts and Other Acts (Amendment).

- (f) by inserting in subsection four of section 4B after the word "body" the words "or council"; Sec. 4B.
(Quorum.)
- (g) (i) by inserting in subsection two of section 4C after the words "corporate body" wherever occurring the words "or council"; Sec. 4C.
(Trustees to report annually to Minister.)
- (ii) by omitting from the same subsection the word "fifty-eight" and by inserting in lieu thereof the word "seventy-three";
- (h) by omitting from section 4D the word "Governor" and by inserting in lieu thereof the word "Minister"; Sec. 4D.
(Removal of trustees.)
- (i) by omitting from section ten the words "police or"; Sec. 10.
(Recovery of penalties.)
- (j) by inserting next after section ten the following new sections :— New secs.
10A and 10B.
- 10A. (1) Subject to this section the Minister may by instrument in writing delegate to the holder of any prescribed office the exercise or performance of such of the powers (other than this power of delegation), authorities, duties and functions conferred or imposed upon the Minister by or under this Act as may be prescribed in relation to the holder of that office and may in like manner revoke wholly or in part any such delegation or any such delegation made by a predecessor in office. Delegation by Minister.
- (2) Any power, authority, duty or function, the exercise or performance of which has been delegated under this section to the holder of a prescribed office, may while the delegation remains unrevoked be exercised or performed from time to time in accordance with the terms of the delegation

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delegation by the person for the time being holding or acting in that office, whether or not the Minister who made the delegation holds office at the time of that exercise or performance.

5 (3) A delegation made under this section
may be made subject to such conditions or such
limitations as to the exercise or performance of
any of the prescribed powers, authorities, duties
10 or functions delegated or as to time or circum-
stances as may be specified in the instrument of
delegation.

15 (4) Where any prescribed power,
authority, duty or function is exercised or per-
formed by the holder of a prescribed office in
relation to whom that power, authority, duty or
function is prescribed and the exercise or per-
formance of the power, authority, duty or function
is evidenced in writing, signed by the holder of,
20 or person for the time being acting in, that office
in the name of the Minister or in his own name
on behalf of the Minister, the power, authority,
duty or function shall be deemed to have been
exercised or performed by the Minister, whether
25 or not an instrument delegating the exercise or
performance of the power, authority, duty or
function to that holder was, when the power,
authority, duty or function was exercised or per-
formed, in force and whether or not any conditions
30 or limitations referred to in subsection three of this
section were observed by the person exercising or
performing the power, authority, duty or function.

35 (5) Notwithstanding any delegation
made under this section the Minister may continue
to exercise or perform all or any of the powers,
authorities, duties or functions delegated.

10B.

Public Trusts and Other Acts (Amendment).

10B. (1) The Governor may make regulations Regulations.
not inconsistent with this Act prescribing—

- 5 (a) the powers, authorities, duties and functions
of the Minister under this Act that may be
delegated; and
- (b) the offices to the holders of which such
powers, authorities, duties and functions
may be delegated.

10 (2) A regulation under subsection one of
this section relating to the powers, authorities, duties
or functions that may be delegated to the holder
of a prescribed office may describe any power,
authority, duty or function in general or particular
15 terms and may so describe the power, authority,
duty or function that its exercise or performance
by the holder of the prescribed office in relation
to whom it is prescribed shall be subject to such
conditions or limitations as may be specified in the
regulation.

20 (k) by omitting from section eleven the definition of Sec. 11.
“Governor” and by inserting in lieu thereof the (Defini-
following new definitions :— tions.)

“Area” has the meaning ascribed thereto in the
Local Government Act, 1919.

25 “Council” has the meaning ascribed thereto in
the Local Government Act, 1919.

3. The Commons Regulation Act, 1898, is amended— Amendment
of Act No.
15, 1898.

(a) (i) by inserting in section three next before the Sec. 3.
definition of “Common” the following new
30 definition :—

“Area” has the meaning ascribed thereto
in the Local Government Act, 1919.

(ii)

Public Trusts and Other Acts (Amendment).

- (ii) by inserting in the same section in the definition of "Common" after the word "Governor" where secondly occurring the words "or by the Minister";
- 5 (iii) by inserting in the same section next after the definition of "Commoners' roll" the following new definition :—
 "Council" has the meaning ascribed thereto in the Local Government Act, 1919.
- 10 (b) by omitting from section four the words "by the Governor,";
 Sec. 4.
 (Trustees of commons to be a body corporate.)
- (c) (i) by omitting subsection one of section six and by inserting in lieu thereof the following subsection :—
 Sec. 6.
 (First trustees.)
- 15 (1) The Minister may appoint the first trustees of any common.
- (ii) by omitting from subsection three of the same section the word "Governor" and by inserting in lieu thereof the word "Minister";
- 20 (d) by omitting from section eight the words "Colonial Secretary" and by inserting in lieu thereof the word "Minister";
 Sec. 8.
 (Election to be communicated.)
- (e) by omitting from section nine the word "Governor" and by inserting in lieu thereof the word "Minister";
 Sec. 9.
 (Minister may validate election.)
- 25 (f) by omitting from section ten the words "Governor may" and by inserting in lieu thereof the words "Minister may, by notice in the Gazette,";
 Sec 10.
 (Minister may appoint trustees.)

(g)

Public Trusts and Other Acts (Amendment).

- (g) by omitting from section eleven the words "Governor may appoint the council of any municipality or shire" and by inserting in lieu thereof the words "Minister may appoint the council of an area"; Sec. 11. (Councils may be appointed trustees.)
- (h) by omitting from the proviso to section fourteen the words "the council of a municipality or shire" and by inserting in lieu thereof the words "a council"; Sec. 14. (Moneys received and expended by trustees.)
- (i) by omitting from section fifteen the words "Colonial Secretary" and by inserting in lieu thereof the word "Minister"; Sec. 15. (Trustees may make regulations and enforce the same by fines.)
- (j) by omitting from section twenty-seven the words "Governor may" and by inserting in lieu thereof the words "Minister may, by notice in the Gazette,"; Sec. 27. (Fixing and alteration of commoners' boundaries.)
- (k) by omitting from section twenty-eight the word "Governor" wherever occurring and by inserting in lieu thereof the word "Minister"; Sec. 28. (Removal of trustees.)
- (l) by inserting next after section twenty-eight the following new section :— New sec. 28A.
- 28A. (1) Subject to this section the Minister may by instrument in writing delegate to the holder of any prescribed office the exercise or performance of such of the powers (other than this power of delegation), authorities, duties and functions conferred or imposed upon the Minister by or under this Act as may be prescribed in relation to the holder of that office and may in like manner revoke wholly or in part any such delegation or any such delegation made by a predecessor in office. Delegation by Minister.

(2)

Public Trusts and Other Acts (Amendment).

5 (2) Any power, authority, duty or function, the exercise or performance of which has been delegated under this section to the holder of a prescribed office, may while the delegation remains unrevoked be exercised or performed from time to time in accordance with the terms of the delegation by the person for the time being holding or acting in that office, whether or not the Minister who made the delegation holds office at the time of that exercise or performance.

15 (3) A delegation made under this section may be made subject to such conditions or such limitations as to the exercise or performance of any of the prescribed powers, authorities, duties or functions delegated or as to time or circumstances as may be specified in the instrument of delegation.

20 (4) Where any prescribed power, authority, duty or function is exercised or performed by the holder of a prescribed office in relation to whom that power, authority, duty or function is prescribed and the exercise or performance of the power, authority, duty or function is evidenced in writing, signed by the holder of, or person for the time being acting in, that office in the name of the Minister or in his own name on behalf of the Minister, the power, authority, duty or function shall be deemed to have been exercised or performed by the Minister, whether or not an instrument delegating the exercise or performance of the power, authority, duty or function to that holder was, when the power, authority, duty or function was exercised or performed, in force and whether or not any conditions or limitations referred to in subsection three of this section were observed by the person exercising or performing the power, authority, duty or function.

(5)

Public Trusts and Other Acts (Amendment).

(5) Notwithstanding any delegation made under this section the Minister may continue to exercise or perform all or any of the powers, authorities, duties or functions delegated.

5 (m) (i) by omitting from paragraph (1) of section Sec. 29. twenty-nine the word "and" where lastly (Regulations.) occurring;

(ii) by inserting next after the same paragraph the following new paragraphs :—

10 (1A) the powers, authorities, duties and functions of the Minister under this Act that may be delegated;

15 (1B) the offices to the holders of which such powers, authorities, duties and functions may be delegated; and;

(iii) by inserting next after paragraph (2) of the same section the following new paragraph :—

20 A regulation under this section with respect to the powers, authorities, duties or functions that may be delegated to the holder of a prescribed office may describe any power, authority, duty or function in general or particular terms and may so describe the power, authority, duty or function that its exercise or performance by the holder of the prescribed office in relation to whom it is prescribed shall be subject to such conditions or limitations as may be specified in the regulation.

30 4. The Public Parks Act, 1912, is amended—

Amend-
ment
of Act No.
40, 1912.

(a) by omitting from the matter relating to Part III in Sec. 1. section one the figures "7-13" and by inserting in (Short title.) lieu thereof the figures "7-15";

(b)

Public Trusts and Other Acts (Amendment).

- (b) by inserting in section three next before the Sec. 3.
definition of "Minister" the following new (Interpre-
definitions :— tation.)

5 "Area" has the meaning ascribed thereto in the
Local Government Act, 1919.

"Council" has the meaning ascribed thereto in
the Local Government Act, 1919.

- (c) (i) by omitting from subsection one of section four Sec. 4.
the words "Governor may" and by inserting (Appoint-
10 in lieu thereof the words "Minister may, by ment of
notice in the Gazette,"; trustees.)

- (ii) by omitting from subsection three of the same
15 section the words "or may from time to time
be prescribed by the Governor," and by in-
serting in lieu thereof the words "prescribed
by the Governor or may from time to time
be declared by the Minister, by notice in the
Gazette,";

- (d) by omitting from subsection one of section six the Sec. 6.
20 words "Governor may appoint the council of any (Councils
municipality" and by inserting in lieu thereof the may be
words "Minister may, by notice in the Gazette, trustees.)
appoint the council of an area";

- (e) (i) by omitting from subsection one of section Sec. 7.
25 seven the word "municipal"; (Vacancies
how
supplied.)
(ii) by omitting from the same subsection the
words "Governor may" and by inserting in
lieu thereof the words "Minister may, by
notice in the Gazette,";

- (f) by omitting from section 7A the words "Governor Sec. 7A.
30 may" and by inserting in lieu thereof the words (Ex-officio
trustees.)
"Minister may, by notice in the Gazette,";

(g)

Public Trusts and Other Acts (Amendment).

- (g) by omitting from subsection four of section 7B the Sec. 7B.
words "the council of a municipality" and by insert- (Quorum.)
ing in lieu thereof the words "a council";
- 5 (h) by omitting from subsection two of section 7C Sec. 7C.
the words "the council of a municipality" and by (Trustees to
inserting in lieu thereof the words "a council"; report
annually to
Minister.)
- (i) by omitting from section 7D the word "Governor" Sec. 7D.
and by inserting in lieu thereof the word (Removal of
"Minister"; trustees.)
- 10 (j) by omitting from subsection one of section twelve Sec. 12.
the words "or police"; (Legal pro-
ceedings.)
- (k) by inserting next after section thirteen the following New secs. 14
new sections :— 14 and 15.
- 15 14. (1) Subject to this section the Minister Delegation
may by instrument in writing delegate to the holder by Minister.
of any prescribed office the exercise or performance
of such of the powers (other than this power of
delegation), authorities, duties and functions conferred
or imposed upon the Minister by or under
20 this Act as may be prescribed in relation to the
holder of that office and may in like manner revoke
wholly or in part any such delegation or any such
delegation made by a predecessor in office.
- 25 (2) Any power, authority, duty or
function, the exercise or performance of which has
been delegated under this section to the holder of
a prescribed office, may while the delegation
remains unrevoked be exercised or performed
30 from time to time in accordance with the terms
of the delegation by the person for the time being
holding or acting in that office, whether or not
the Minister who made the delegation holds office
at the time of that exercise or performance.

Public Trusts and Other Acts (Amendment).

5 (3) A delegation made under this section may be made subject to such conditions or such limitations as to the exercise or performance of any of the prescribed powers, authorities, duties or functions delegated or as to time or circumstances as may be specified in the instrument of delegation.

10 (4) Where any prescribed power, authority, duty or function is exercised or performed by the holder of a prescribed office in relation to whom that power, authority, duty or function is prescribed and the exercise or performance of the power, authority, duty or function is evidenced in writing, signed by the holder of, or person for the time being acting in, that office in the name of the Minister or in his own name on behalf of the Minister, the power, authority, duty or function shall be deemed to have been exercised or performed by the Minister, whether or not an instrument delegating the exercise or performance of the power, authority, duty or function to that holder was, when the power, authority, duty or function was exercised or performed, in force and whether or not any conditions or limitations referred to in subsection three of this section were observed by the person exercising or performing the power, authority, duty or function.

25 (5) Notwithstanding any delegation made under this section the Minister may continue to exercise or perform all or any of the powers, authorities, duties or functions delegated.

30 15. (1) The Governor may make regulations Regulations. not inconsistent with this Act prescribing—

(a) the powers, authorities, duties and functions of the Minister under this Act that may be delegated; and

(b)

Public Trusts and Other Acts (Amendment).

(b) the offices to the holders of which such powers, authorities, duties and functions may be delegated.

5 (2) A regulation under subsection one of this section relating to the powers, authorities, duties or functions that may be delegated to the holder of a prescribed office may describe any power, authority, duty or function in general or
10 particular terms and may so describe the power, authority, duty or function that its exercise or performance by the holder of the prescribed office in relation to whom it is prescribed shall be subject to such conditions or limitations as may be specified in the regulation.

15 5. All persons holding office as trustees immediately Savings. before the commencement of this Act and who were appointed under—

20 (a) the Public Trusts Act, 1897, shall be deemed to have been appointed under the Public Trusts Act, 1897, as amended by this Act;

(b) the Commons Regulation Act, 1898, shall be deemed to have been appointed under the Commons Regulation Act, 1898, as amended by this Act; and

25 (c) the Public Parks Act, 1912, shall be deemed to have been appointed under the Public Parks Act, 1912, as amended by this Act.

BY AUTHORITY

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1971
[15c]

No. , 1971.

A BILL

To confer on the Minister certain powers, authorities, duties and functions of the Governor under the Public Trusts Act, 1897, the Commons Regulation Act, 1898, and the Public Parks Act, 1912; to enable the Minister to delegate such powers, authorities, duties and functions; for these and other purposes to amend those Acts; and for purposes connected therewith.

[MR WILLIS *on behalf of* MR LEWIS—19 August, 1971.]

BE

Public Trusts and Other Acts (Amendment).

BE it enacted by the Queen'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 "Public Trusts and Other Acts (Amendment) Act, 1971".

Short title.

2. The Public Trusts Act, 1897, is amended—

Amendment of Act No. 8, 1897.

(a) by omitting from subsection one of section one the words "The Governor shall be deemed to have had and" and by inserting in lieu thereof the words "The Minister";

Sec. 1. (Appointment of trustees of land temporarily reserved.)

(b) (i) by omitting subsection one of section two and by inserting in lieu thereof the following subsection :—

Sec. 2. (Corporations or councils may be appointed trustees.)

(I) The Minister may—

(a) by notice in the Gazette, appoint as trustees of land set apart, dedicated or reserved (temporarily or otherwise) for any public purpose—

(i) subject to subsection (IA) of this section, a council; or

(ii) any other corporate body; and

(b)

Public Trusts and Other Acts (Amendment).

- (b) by that or a subsequent like notice, vest the land in such council or corporate body.
- 5 (ii) by inserting next after subsection one of the same section the following new subsection :—
- (IA) A council shall not be appointed trustees of any land that is partly within its area and partly within the area of another council except with the consent of that other
- 10 council.
- (iii) by omitting from subsection two of the same section the words “, or were the council of a municipality” and by inserting in lieu thereof the words “or council”; (Validation of past appointments.)
- 15 (c) by omitting from section three the words “Governor may by notice in the Gazette, and without any deed, grant, or other assurance,” and by inserting in lieu thereof the words “Minister may by notice in the Gazette”; Sec. 3. (Minister may vest land in trustees.)
- 20 (d) (i) by omitting from section four the word “Governor” wherever occurring and by inserting in lieu thereof the word “Minister”; Sec. 4. (Minister may appoint additional trustees.)
- (ii) by omitting from the same section the words “grant to, or by notice in the Gazette vest in,” and by inserting in lieu thereof the words “by notice in the Gazette vest in”;
- 25 (iii) by omitting from the same section the word “colony” and by inserting in lieu thereof the word “State”;
- 30 (e) by omitting from section 4A the word “Governor” wherever occurring and by inserting in lieu thereof the word “Minister”; Sec. 4A. (Limitation of number of trustees to seven.)
- (f)

Public Trusts and Other Acts (Amendment).

- (f) by inserting in subsection four of section 4B after the word "body" the words "or council"; Sec. 4B.
(Quorum.)
- (g) (i) by inserting in subsection two of section 4C after the words "corporate body" wherever occurring the words "or council"; Sec. 4C.
(Trustees to report annually to Minister.)
- (ii) by omitting from the same subsection the word "fifty-eight" and by inserting in lieu thereof the word "seventy-three";
- (h) by omitting from section 4D the word "Governor" and by inserting in lieu thereof the word "Minister"; Sec. 4D.
(Removal of trustees.)
- (i) by omitting from section ten the words "police or"; Sec. 10.
(Recovery of penalties.)
- (j) by inserting next after section ten the following new sections :— New secs.
10A and 10B.
- 10A. (1) Subject to this section the Minister may by instrument in writing delegate to the holder of any prescribed office the exercise or performance of such of the powers (other than this power of delegation), authorities, duties and functions conferred or imposed upon the Minister by or under this Act as may be prescribed in relation to the holder of that office and may in like manner revoke wholly or in part any such delegation or any such delegation made by a predecessor in office. Delegation by Minister.
- (2) Any power, authority, duty or function, the exercise or performance of which has been delegated under this section to the holder of a prescribed office, may while the delegation remains unrevoked be exercised or performed from time to time in accordance with the terms of the delegation

Public Trusts and Other Acts (Amendment).

delegation by the person for the time being holding or acting in that office, whether or not the Minister who made the delegation holds office at the time of that exercise or performance.

5 (3) A delegation made under this section
may be made subject to such conditions or such
limitations as to the exercise or performance of
any of the prescribed powers, authorities, duties
or functions delegated or as to time or circum-
stances as may be specified in the instrument of
10 delegation.

 (4) Where any prescribed power,
authority, duty or function is exercised or per-
formed by the holder of a prescribed office in
15 relation to whom that power, authority, duty or
function is prescribed and the exercise or per-
formance of the power, authority, duty or function
is evidenced in writing, signed by the holder of,
or person for the time being acting in, that office
20 in the name of the Minister or in his own name
on behalf of the Minister, the power, authority,
duty or function shall be deemed to have been
exercised or performed by the Minister, whether
or not an instrument delegating the exercise or
25 performance of the power, authority, duty or
function to that holder was, when the power,
authority, duty or function was exercised or per-
formed, in force and whether or not any conditions
or limitations referred to in subsection three of this
30 section were observed by the person exercising or
performing the power, authority, duty or function.

 (5) Notwithstanding any delegation
made under this section the Minister may continue
to exercise or perform all or any of the powers,
35 authorities, duties or functions delegated.

10B.

Public Trusts and Other Acts (Amendment).

10B. (1) The Governor may make regulations Regulations.
not inconsistent with this Act prescribing—

- 5 (a) the powers, authorities, duties and functions
of the Minister under this Act that may be
delegated; and
- (b) the offices to the holders of which such
powers, authorities, duties and functions
may be delegated.

10 (2) A regulation under subsection one of
this section relating to the powers, authorities, duties
or functions that may be delegated to the holder
of a prescribed office may describe any power,
authority, duty or function in general or particular
15 terms and may so describe the power, authority,
duty or function that its exercise or performance
by the holder of the prescribed office in relation
to whom it is prescribed shall be subject to such
conditions or limitations as may be specified in the
regulation.

- 20 (k) by omitting from section eleven the definition of Sec. 11.
“Governor” and by inserting in lieu thereof the (Defini-
following new definitions :— tions.)

“Area” has the meaning ascribed thereto in the
Local Government Act, 1919.

25 “Council” has the meaning ascribed thereto in
the Local Government Act, 1919.

3. The Commons Regulation Act, 1898, is amended— Amendment
of Act No.
15, 1898.

- (a) (i) by inserting in section three next before the Sec. 3.
definition of “Common” the following new
30 definition :—

“Area” has the meaning ascribed thereto
in the Local Government Act, 1919.

(ii)

Public Trusts and Other Acts (Amendment).

- (ii) by inserting in the same section in the definition of "Common" after the word "Governor" where secondly occurring the words "or by the Minister";
- 5 (iii) by inserting in the same section next after the definition of "Commoners' roll" the following new definition :—
"Council" has the meaning ascribed thereto in the Local Government Act, 1919.
- 10 (b) by omitting from section four the words "by the Governor,"; Sec. 4.
(Trustees of commons to be a body corporate.)
- (c) (i) by omitting subsection one of section six and by inserting in lieu thereof the following subsection :— Sec. 6.
(First trustees.)
- 15 (1) The Minister may appoint the first trustees of any common.
- (ii) by omitting from subsection three of the same section the word "Governor" and by inserting in lieu thereof the word "Minister";
- 20 (d) by omitting from section eight the words "Colonial Secretary" and by inserting in lieu thereof the word "Minister"; Sec. 8.
(Election to be communicated.)
- (e) by omitting from section nine the word "Governor" and by inserting in lieu thereof the word "Minister"; Sec. 9.
(Minister may validate election.)
- 25 (f) by omitting from section ten the words "Governor may" and by inserting in lieu thereof the words "Minister may, by notice in the Gazette,"; Sec. 10.
(Minister may appoint trustees.)
- (g)

Public Trusts and Other Acts (Amendment).

- 5 (g) by omitting from section eleven the words Sec. 11.
"Governor may appoint the council of any muni- (Councils
cipality or shire" and by inserting in lieu thereof may be
the words "Minister may appoint the council of appointed
an area"; trustees.)
- (h) by omitting from the proviso to section fourteen Sec. 14.
the words "the council of a municipality or shire" (Moneys
and by inserting in lieu thereof the words "a received
council"; and ex-
pended by
trustees.)
- 10 (i) by omitting from section fifteen the words "Colonial Sec. 15.
Secretary" and by inserting in lieu thereof the word (Trustees
"Minister"; may make
regulations
and enforce
the same by
fines.)
- 15 (j) by omitting from section twenty-seven the words Sec. 27.
"Governor may" and by inserting in lieu thereof (Fixing and
the words "Minister may, by notice in the alteration of
Gazette,"; commoners'
boundaries.)
- (k) by omitting from section twenty-eight the word Sec. 28.
"Governor" wherever occurring and by inserting (Removal of
in lieu thereof the word "Minister"; trustees.)
- 20 (l) by inserting next after section twenty-eight the New sec.
following new section :— 28A.
- 25 28A. (1) Subject to this section the Minister
may by instrument in writing delegate to the holder
of any prescribed office the exercise or performance
of such of the powers (other than this power of
delegation), authorities, duties and functions con-
ferred or imposed upon the Minister by or under
this Act as may be prescribed in relation to the
holder of that office and may in like manner revoke
30 wholly or in part any such delegation or any such
delegation made by a predecessor in office.
- (2)

Delegation
by Minister.

Public Trusts and Other Acts (Amendment).

5 (2) Any power, authority, duty or function, the exercise or performance of which has been delegated under this section to the holder of a prescribed office, may while the delegation remains unrevoked be exercised or performed from time to time in accordance with the terms of the delegation by the person for the time being holding or acting in that office, whether or not the Minister who made the delegation holds office at the time of that exercise or performance.

15 (3) A delegation made under this section may be made subject to such conditions or such limitations as to the exercise or performance of any of the prescribed powers, authorities, duties or functions delegated or as to time or circumstances as may be specified in the instrument of delegation.

20 (4) Where any prescribed power, authority, duty or function is exercised or performed by the holder of a prescribed office in relation to whom that power, authority, duty or function is prescribed and the exercise or performance of the power, authority, duty or function is evidenced in writing, signed by the holder of, or person for the time being acting in, that office in the name of the Minister or in his own name on behalf of the Minister, the power, authority, duty or function shall be deemed to have been exercised or performed by the Minister, whether or not an instrument delegating the exercise or performance of the power, authority, duty or function to that holder was, when the power, authority, duty or function was exercised or performed, in force and whether or not any conditions or limitations referred to in subsection three of this section were observed by the person exercising or performing the power, authority, duty or function.

(5)

Public Trusts and Other Acts (Amendment).

(5) Notwithstanding any delegation made under this section the Minister may continue to exercise or perform all or any of the powers, authorities, duties or functions delegated.

5 (m) (i) by omitting from paragraph (1) of section Sec. 29. twenty-nine the word "and" where lastly (Regulations.) occurring;

(ii) by inserting next after the same paragraph the following new paragraphs :—

10 (1A) the powers, authorities, duties and functions of the Minister under this Act that may be delegated;

15 (1B) the offices to the holders of which such powers, authorities, duties and functions may be delegated; and;

(iii) by inserting next after paragraph (2) of the same section the following new paragraph :—

20 A regulation under this section with respect to the powers, authorities, duties or functions that may be delegated to the holder of a prescribed office may describe any power, authority, duty or function in general or particular terms and may so describe the power, authority, duty or function that its
25 exercise or performance by the holder of the prescribed office in relation to whom it is prescribed shall be subject to such conditions or limitations as may be specified in the regulation.

30 4. The Public Parks Act, 1912, is amended—

Amend-
ment
of Act No.
40, 1912.

(a) by omitting from the matter relating to Part III in Sec. 1. section one the figures "7-13" and by inserting in (Short title.) lieu thereof the figures "7-15";

(b)

Public Trusts and Other Acts (Amendment).

- (b) by inserting in section three next before the Sec. 3.
definition of "Minister" the following new ^{(Interpre-}
definitions :— ^{tation.)}
- 5 "Area" has the meaning ascribed thereto in the
Local Government Act, 1919.
- "Council" has the meaning ascribed thereto in
the Local Government Act, 1919.
- (c) (i) by omitting from subsection one of section four Sec. 4.
the words "Governor may" and by inserting ^{(Appoint-}
10 in lieu thereof the words "Minister may, by ^{ment of}
notice in the Gazette,"; ^{trustees.)}
- (ii) by omitting from subsection three of the same
section the words "or may from time to time
15 be prescribed by the Governor," and by in-
serting in lieu thereof the words "prescribed
by the Governor or may from time to time
be declared by the Minister, by notice in the
Gazette,";
- (d) by omitting from subsection one of section six the Sec. 6.
20 words "Governor may appoint the council of any ^{(Councils}
municipality" and by inserting in lieu thereof the ^{may be}
words "Minister may, by notice in the Gazette, ^{trustees.)}
appoint the council of an area";
- (e) (i) by omitting from subsection one of section Sec. 7.
25 seven the word "municipal"; ^{(Vacancies}
^{how}
(ii) by omitting from the same subsection the ^{supplied.)}
words "Governor may" and by inserting in
lieu thereof the words "Minister may, by
notice in the Gazette,";
- 30 (f) by omitting from section 7A the words "Governor Sec. 7A.
may" and by inserting in lieu thereof the words ^{(Ex-officio}
"Minister may, by notice in the Gazette,"; ^{trustees.)}

(g)

Public Trusts and Other Acts (Amendment).

- (g) by omitting from subsection four of section 7B the words "the council of a municipality" and by inserting in lieu thereof the words "a council"; Sec. 7B. (Quorum.)
- 5 (h) by omitting from subsection two of section 7C the words "the council of a municipality" and by inserting in lieu thereof the words "a council"; Sec. 7C. (Trustees to report annually to Minister.)
- (i) by omitting from section 7D the word "Governor" and by inserting in lieu thereof the word "Minister"; Sec. 7D. (Removal of trustees.)
- 10 (j) by omitting from subsection one of section twelve the words "or police"; Sec. 12. (Legal proceedings.)
- (k) by inserting next after section thirteen the following new sections :— New secs. 14 and 15.
- 15 14. (1) Subject to this section the Minister may by instrument in writing delegate to the holder of any prescribed office the exercise or performance of such of the powers (other than this power of delegation), authorities, duties and functions conferred or imposed upon the Minister by or under
- 20 this Act as may be prescribed in relation to the holder of that office and may in like manner revoke wholly or in part any such delegation or any such delegation made by a predecessor in office.
- 25 (2) Any power, authority, duty or function, the exercise or performance of which has been delegated under this section to the holder of a prescribed office, may while the delegation remains unrevoked be exercised or performed
- 30 from time to time in accordance with the terms of the delegation by the person for the time being holding or acting in that office, whether or not the Minister who made the delegation holds office at the time of that exercise or performance.

(3)

Public Trusts and Other Acts (Amendment).

5 (3) A delegation made under this section may be made subject to such conditions or such limitations as to the exercise or performance of any of the prescribed powers, authorities, duties or functions delegated or as to time or circumstances as may be specified in the instrument of delegation.

10 (4) Where any prescribed power, authority, duty or function is exercised or performed by the holder of a prescribed office in relation to whom that power, authority, duty or function is prescribed and the exercise or performance of the power, authority, duty or function is evidenced in writing, signed by the holder of, or person for the time being acting in, that office in the name of the Minister or in his own name on behalf of the Minister, the power, authority, duty or function shall be deemed to have been exercised or performed by the Minister, whether or not an instrument delegating the exercise or performance of the power, authority, duty or function to that holder was, when the power, authority, duty or function was exercised or performed, in force and whether or not any conditions or limitations referred to in subsection three of this section were observed by the person exercising or performing the power, authority, duty or function.

30 (5) Notwithstanding any delegation made under this section the Minister may continue to exercise or perform all or any of the powers, authorities, duties or functions delegated.

15. (1) The Governor may make regulations Regulations. not inconsistent with this Act prescribing—

35 (a) the powers, authorities, duties and functions of the Minister under this Act that may be delegated; and

(b)

Public Trusts and Other Acts (Amendment).

(b) the offices to the holders of which such powers, authorities, duties and functions may be delegated.

5 (2) A regulation under subsection one of this section relating to the powers, authorities, duties or functions that may be delegated to the holder of a prescribed office may describe any power, authority, duty or function in general or
10 particular terms and may so describe the power, authority, duty or function that its exercise or performance by the holder of the prescribed office in relation to whom it is prescribed shall be subject to such conditions or limitations as may be specified in the regulation.

15 5. All persons holding office as trustees immediately Savings. before the commencement of this Act and who were appointed under—

- 20 (a) the Public Trusts Act, 1897, shall be deemed to have been appointed under the Public Trusts Act, 1897, as amended by this Act;
- (b) the Commons Regulation Act, 1898, shall be deemed to have been appointed under the Commons Regulation Act, 1898, as amended by this Act; and
- 25 (c) the Public Parks Act, 1912, shall be deemed to have been appointed under the Public Parks Act, 1912, as amended by this Act.

BY AUTHORITY

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1971

[15c]

PUBLIC TRUSTS AND OTHER ACTS (AMENDMENT) BILL, 1971

EXPLANATORY NOTE

THE objects of this Bill are—

- (a) to confer on the Minister the powers of the Governor under the Public Trusts Act, 1897, to—
 - (i) appoint trustees of land temporarily reserved from sale, remove any trustees so appointed and fill any vacancies in the trustees;
 - (ii) appoint corporate bodies or councils as trustees of land set apart, dedicated, or reserved (temporarily or otherwise) for any public purpose;
 - (iii) vest land, which has been set apart, dedicated, or reserved for any public purpose, in trustees;
 - (iv) appoint additional trustees of any public park or of any land set apart or dedicated for any other public purpose or reserved temporarily or otherwise, vest such lands in the trustees and remove any trustees;
 - (v) appoint a person by virtue of his office or position to be a trustee;
 - (vi) remove any trustee who was not present for a certain percentage of duly convened meetings of the trustees during the year of the trust;
- (b) to confer on the Minister the powers of the Governor under the Commons Regulation Act, 1898, to—
 - (i) appoint the first trustees of any common;
 - (ii) declare valid any questionable election of trustees;
 - (iii) appoint trustees where no election of trustees has been held or in certain other cases;
 - (iv) appoint a council to be trustees of any common;
 - (v) fix, alter or extend the commoners' boundaries of any common;
 - (vi) remove from office trustees who neglect or refuse to exercise their powers or for certain other reasons;
- (c) to confer on the Minister the powers of the Governor under the Public Parks Act, 1912, to—
 - (i) appoint trustees of certain lands and prescribe the corporate name of such trustees;
 - (ii) appoint a council within whose area certain lands are situate, to be trustees of such lands;
 - (iii) appoint new trustees where a vacancy occurs in the trust;
 - (iv) appoint a person by virtue of his office or position to be a trustee;
 - (v) remove any trustee who was not present for a certain percentage of duly convened meetings of the trustees during the year of the trust;

- (d) to authorise the Minister to delegate to the holder of a prescribed office certain prescribed powers, authorities, duties and functions under the Public Trusts Act, 1897, the Commons Regulation Act, 1898, and the Public Parks Act, 1912; and
- (e) to make other provisions consequential upon and ancillary to the foregoing.

PROOF

No. , 1971.

A BILL

To confer on the Minister certain powers, authorities, duties and functions of the Governor under the Public Trusts Act, 1897, the Commons Regulation Act, 1898, and the Public Parks Act, 1912; to enable the Minister to delegate such powers, authorities, duties and functions; for these and other purposes to amend those Acts; and for purposes connected therewith.

[Mr WILLIS *on behalf of* Mr LEWIS—19 August, 1971.]

BE

Public Trusts and Other Acts (Amendment).

BE it enacted by the Queen'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 "Public Trusts and Other Acts (Amendment) Act, 1971".

Short title.

2. The Public Trusts Act, 1897, is amended—

Amendment of Act No. 8, 1897.

(a) by omitting from subsection one of section one the words "The Governor shall be deemed to have had and" and by inserting in lieu thereof the words "The Minister";

Sec. 1. (Appointment of trustees of land temporarily reserved.)

(b) (i) by omitting subsection one of section two and by inserting in lieu thereof the following subsection :—

Sec. 2. (Corporations or councils may be appointed trustees.)

(I) The Minister may—

(a) by notice in the Gazette, appoint as trustees of land set apart, dedicated or reserved (temporarily or otherwise) for any public purpose—

(i) subject to subsection (IA) of this section, a council; or

(ii) any other corporate body; and

(b)

Public Trusts and Other Acts (Amendment).

- (b) by that or a subsequent like notice,
vest the land in such council or corporate body.
- 5 (ii) by inserting next after subsection one of the
same section the following new subsection :—
(IA) A council shall not be appointed
trustees of any land that is partly within its
area and partly within the area of another
10 council except with the consent of that other
council.
- (iii) by omitting from subsection two of the same (Validation
section the words “, or were the council of a of
municipality” and by inserting in lieu thereof past
the words “or council”; appointments.)
- 15 (c) by omitting from section three the words “Governor Sec. 3.
may by notice in the Gazette, and without any (Minister
deed, grant, or other assurance,” and by inserting may vest
in lieu thereof the words “Minister may by notice land in
in the Gazette”; trustees.)
- 20 (d) (i) by omitting from section four the word Sec. 4.
“Governor” wherever occurring and by insert- (Minister
ing in lieu thereof the word “Minister”; may
(ii) by omitting from the same section the words appoint
“grant to, or by notice in the Gazette vest in,” additional
25 and by inserting in lieu thereof the words “by trustees.)
notice in the Gazette vest in”;
- (iii) by omitting from the same section the word
“colony” and by inserting in lieu thereof the
word “State”;
- 30 (e) by omitting from section 4A the word “Governor” Sec. 4A.
wherever occurring and by inserting in lieu thereof (Limita-
the word “Minister”; tion of
number
of
trustees
to
seven.)
- (f)

Public Trusts and Other Acts (Amendment).

- (f) by inserting in subsection four of section 4B after the word "body" the words "or council"; Sec. 4B.
(Quorum.)
- (g) (i) by inserting in subsection two of section 4C after the words "corporate body" wherever occurring the words "or council"; Sec. 4C.
(Trustees to report annually to Minister.)
- (ii) by omitting from the same subsection the word "fifty-eight" and by inserting in lieu thereof the word "seventy-three";
- (h) by omitting from section 4D the word "Governor" and by inserting in lieu thereof the word "Minister"; Sec. 4D.
(Removal of trustees.)
- (i) by omitting from section ten the words "police or"; Sec. 10.
(Recovery of penalties.)
- (j) by inserting next after section ten the following new sections :— New secs.
10A and 10B.
- 10A. (1) Subject to this section the Minister may by instrument in writing delegate to the holder of any prescribed office the exercise or performance of such of the powers (other than this power of delegation), authorities, duties and functions conferred or imposed upon the Minister by or under this Act as may be prescribed in relation to the holder of that office and may in like manner revoke wholly or in part any such delegation or any such delegation made by a predecessor in office. Delegation by Minister.
- (2) Any power, authority, duty or function, the exercise or performance of which has been delegated under this section to the holder of a prescribed office, may while the delegation remains unrevoked be exercised or performed from time to time in accordance with the terms of the delegation

Public Trusts and Other Acts (Amendment).

delegation by the person for the time being holding or acting in that office, whether or not the Minister who made the delegation holds office at the time of that exercise or performance.

5 (3) A delegation made under this section
may be made subject to such conditions or such
limitations as to the exercise or performance of
any of the prescribed powers, authorities, duties
10 or functions delegated or as to time or circum-
stances as may be specified in the instrument of
delegation.

(4) Where any prescribed power,
15 authority, duty or function is exercised or per-
formed by the holder of a prescribed office in
relation to whom that power, authority, duty or
function is prescribed and the exercise or per-
formance of the power, authority, duty or function
is evidenced in writing, signed by the holder of,
20 or person for the time being acting in, that office
in the name of the Minister or in his own name
on behalf of the Minister, the power, authority,
duty or function shall be deemed to have been
exercised or performed by the Minister, whether
25 or not an instrument delegating the exercise or
performance of the power, authority, duty or
function to that holder was, when the power,
authority, duty or function was exercised or per-
formed, in force and whether or not any conditions
30 or limitations referred to in subsection three of this
section were observed by the person exercising or
performing the power, authority, duty or function.

(5) Notwithstanding any delegation
made under this section the Minister may continue
35 to exercise or perform all or any of the powers,
authorities, duties or functions delegated.

10B.

Public Trusts and Other Acts (Amendment).

10B. (1) The Governor may make regulations Regulations.
not inconsistent with this Act prescribing—

- 5 (a) the powers, authorities, duties and functions
of the Minister under this Act that may be
delegated; and
- (b) the offices to the holders of which such
powers, authorities, duties and functions
may be delegated.

10 (2) A regulation under subsection one of
this section relating to the powers, authorities, duties
or functions that may be delegated to the holder
of a prescribed office may describe any power,
authority, duty or function in general or particular
15 terms and may so describe the power, authority,
duty or function that its exercise or performance
by the holder of the prescribed office in relation
to whom it is prescribed shall be subject to such
conditions or limitations as may be specified in the
regulation.

20 (k) by omitting from section eleven the definition of Sec. 11.
“Governor” and by inserting in lieu thereof the (Defini-
following new definitions :— tions.)

“Area” has the meaning ascribed thereto in the
Local Government Act, 1919.

25 “Council” has the meaning ascribed thereto in
the Local Government Act, 1919.

3. The Commons Regulation Act, 1898, is amended— Amendment
of Act No.
15, 1898.

(a) (i) by inserting in section three next before the Sec. 3.
definition of “Common” the following new
30 definition :—

“Area” has the meaning ascribed thereto
in the Local Government Act, 1919.

(ii)

Public Trusts and Other Acts (Amendment).

- (ii) by inserting in the same section in the definition of "Common" after the word "Governor" where secondly occurring the words "or by the Minister";
- 5 (iii) by inserting in the same section next after the definition of "Commoners' roll" the following new definition :—
 "Council" has the meaning ascribed thereto in the Local Government Act, 1919.
- 10 (b) by omitting from section four the words "by the Governor,";
 Sec. 4.
 (Trustees of commons to be a body corporate.)
- (c) (i) by omitting subsection one of section six and by inserting in lieu thereof the following subsection :—
 Sec. 6.
 (First trustees.)
- 15 (1) The Minister may appoint the first trustees of any common.
- (ii) by omitting from subsection three of the same section the word "Governor" and by inserting in lieu thereof the word "Minister";
- 20 (d) by omitting from section eight the words "Colonial Secretary" and by inserting in lieu thereof the word "Minister";
 Sec. 8.
 (Election to be communicated.)
- (e) by omitting from section nine the word "Governor" and by inserting in lieu thereof the word "Minister";
 Sec. 9.
 (Minister may validate election.)
- 25 (f) by omitting from section ten the words "Governor may" and by inserting in lieu thereof the words "Minister may, by notice in the Gazette,";
 Sec 10.
 (Minister may appoint trustees.)

(g)

Public Trusts and Other Acts (Amendment).

- 5 (g) by omitting from section eleven the words Sec. 11.
 "Governor may appoint the council of any municipality or shire" and by inserting in lieu thereof the words "Minister may appoint the council of an area"; (Councils may be appointed trustees.)
- (h) by omitting from the proviso to section fourteen the words "the council of a municipality or shire" and by inserting in lieu thereof the words "a council"; Sec. 14.
 (Moneys received and expended by trustees.)
- 10 (i) by omitting from section fifteen the words "Colonial Secretary" and by inserting in lieu thereof the word "Minister"; Sec. 15.
 (Trustees may make regulations and enforce the same by fines.)
- 15 (j) by omitting from section twenty-seven the words "Governor may" and by inserting in lieu thereof the words "Minister may, by notice in the Gazette,"; Sec. 27.
 (Fixing and alteration of commoners' boundaries.)
- (k) by omitting from section twenty-eight the word "Governor" wherever occurring and by inserting in lieu thereof the word "Minister"; Sec. 28.
 (Removal of trustees.)
- 20 (l) by inserting next after section twenty-eight the following new section :— New sec. 28A.
- 25 28A. (1) Subject to this section the Minister may by instrument in writing delegate to the holder of any prescribed office the exercise or performance of such of the powers (other than this power of delegation), authorities, duties and functions conferred or imposed upon the Minister by or under this Act as may be prescribed in relation to the holder of that office and may in like manner revoke wholly or in part any such delegation or any such delegation made by a predecessor in office. Delegation by Minister.
- 30 (2)

Public Trusts and Other Acts (Amendment).

5 (2) Any power, authority, duty or function, the exercise or performance of which has been delegated under this section to the holder of a prescribed office, may while the delegation remains unrevoked be exercised or performed from time to time in accordance with the terms of the delegation by the person for the time being holding or acting in that office, whether or not the Minister who made the delegation holds office at the time of that exercise or performance.

15 (3) A delegation made under this section may be made subject to such conditions or such limitations as to the exercise or performance of any of the prescribed powers, authorities, duties or functions delegated or as to time or circumstances as may be specified in the instrument of delegation.

20 (4) Where any prescribed power, authority, duty or function is exercised or performed by the holder of a prescribed office in relation to whom that power, authority, duty or function is prescribed and the exercise or performance of the power, authority, duty or function is evidenced in writing, signed by the holder of, or person for the time being acting in, that office in the name of the Minister or in his own name on behalf of the Minister, the power, authority, duty or function shall be deemed to have been exercised or performed by the Minister, whether or not an instrument delegating the exercise or performance of the power, authority, duty or function to that holder was, when the power, authority, duty or function was exercised or performed, in force and whether or not any conditions or limitations referred to in subsection three of this section were observed by the person exercising or performing the power, authority, duty or function.

(5)

Public Trusts and Other Acts (Amendment).

(5) Notwithstanding any delegation made under this section the Minister may continue to exercise or perform all or any of the powers, authorities, duties or functions delegated.

5 (m) (i) by omitting from paragraph (1) of section Sec. 29. twenty-nine the word "and" where lastly (Regulations.) occurring;

(ii) by inserting next after the same paragraph the following new paragraphs :—

10 (1A) the powers, authorities, duties and functions of the Minister under this Act that may be delegated;

15 (1B) the offices to the holders of which such powers, authorities, duties and functions may be delegated; and;

(iii) by inserting next after paragraph (2) of the same section the following new paragraph :—

20 A regulation under this section with respect to the powers, authorities, duties or functions that may be delegated to the holder of a prescribed office may describe any power, authority, duty or function in general or particular terms and may so describe the power, authority, duty or function that its exercise or performance by the holder of the prescribed office in relation to whom it is prescribed shall be subject to such conditions or limitations as may be specified in the regulation.

30 4. The Public Parks Act, 1912, is amended—

Amend-
ment
of Act No.
40, 1912.

(a) by omitting from the matter relating to Part III in Sec. 1. section one the figures "7-13" and by inserting in (Short title.) lieu thereof the figures "7-15";

(b)

Public Trusts and Other Acts (Amendment).

- (b) by inserting in section three next before the definition of "Minister" the following new definitions :—
- 5 "Area" has the meaning ascribed thereto in the Local Government Act, 1919.
- "Council" has the meaning ascribed thereto in the Local Government Act, 1919.
- (c) (i) by omitting from subsection one of section four the words "Governor may" and by inserting in lieu thereof the words "Minister may, by notice in the Gazette,";
- 10 (ii) by omitting from subsection three of the same section the words "or may from time to time be prescribed by the Governor," and by inserting in lieu thereof the words "prescribed by the Governor or may from time to time be declared by the Minister, by notice in the Gazette,";
- 15 (d) by omitting from subsection one of section six the words "Governor may appoint the council of any municipality" and by inserting in lieu thereof the words "Minister may, by notice in the Gazette, appoint the council of an area";
- 20 (e) (i) by omitting from subsection one of section seven the word "municipal";
- 25 (ii) by omitting from the same subsection the words "Governor may" and by inserting in lieu thereof the words "Minister may, by notice in the Gazette,";
- 30 (f) by omitting from section 7A the words "Governor may" and by inserting in lieu thereof the words "Minister may, by notice in the Gazette,";

(g)

Public Trusts and Other Acts (Amendment).

- (g) by omitting from subsection four of section 7B the words "the council of a municipality" and by inserting in lieu thereof the words "a council"; Sec. 7B. (Quorum.)
- 5 (h) by omitting from subsection two of section 7C the words "the council of a municipality" and by inserting in lieu thereof the words "a council"; Sec. 7C. (Trustees to report annually to Minister.)
- (i) by omitting from section 7D the word "Governor" and by inserting in lieu thereof the word "Minister"; Sec. 7D. (Removal of trustees.)
- 10 (j) by omitting from subsection one of section twelve the words "or police"; Sec. 12. (Legal proceedings.)
- (k) by inserting next after section thirteen the following new sections :— New secs. 14 and 15.
- 15 14. (1) Subject to this section the Minister may by instrument in writing delegate to the holder of any prescribed office the exercise or performance of such of the powers (other than this power of delegation), authorities, duties and functions conferred or imposed upon the Minister by or under this Act as may be prescribed in relation to the holder of that office and may in like manner revoke wholly or in part any such delegation or any such delegation made by a predecessor in office. Delegation by Minister.
- 20
- 25 (2) Any power, authority, duty or function, the exercise or performance of which has been delegated under this section to the holder of a prescribed office, may while the delegation remains unrevoked be exercised or performed from time to time in accordance with the terms of the delegation by the person for the time being holding or acting in that office, whether or not the Minister who made the delegation holds office at the time of that exercise or performance.
- 30

(3)

Public Trusts and Other Acts (Amendment).

5 (3) A delegation made under this section may be made subject to such conditions or such limitations as to the exercise or performance of any of the prescribed powers, authorities, duties or functions delegated or as to time or circumstances as may be specified in the instrument of delegation.

10 (4) Where any prescribed power, authority, duty or function is exercised or performed by the holder of a prescribed office in relation to whom that power, authority, duty or function is prescribed and the exercise or performance of the power, authority, duty or function is evidenced in writing, signed by the holder of, or person for the time being acting in, that office
15 in the name of the Minister or in his own name on behalf of the Minister, the power, authority, duty or function shall be deemed to have been exercised or performed by the Minister, whether or not an instrument delegating the exercise or performance
20 of the power, authority, duty or function to that holder was, when the power, authority, duty or function was exercised or performed, in force and whether or not any conditions or limitations referred to in subsection three of this section were
25 observed by the person exercising or performing the power, authority, duty or function.

30 (5) Notwithstanding any delegation made under this section the Minister may continue to exercise or perform all or any of the powers, authorities, duties or functions delegated.

15. (1) The Governor may make regulations Regulations. not inconsistent with this Act prescribing—

35 (a) the powers, authorities, duties and functions of the Minister under this Act that may be delegated; and

(b)

Public Trusts and Other Acts (Amendment).

(b) the offices to the holders of which such powers, authorities, duties and functions may be delegated.

5 (2) A regulation under subsection one of
this section relating to the powers, authorities,
duties or functions that may be delegated to the
holder of a prescribed office may describe any
power, authority, duty or function in general or
10 particular terms and may so describe the power,
authority, duty or function that its exercise or
performance by the holder of the prescribed office
in relation to whom it is prescribed shall be subject
to such conditions or limitations as may be specified
in the regulation.

15 5. All persons holding office as trustees immediately Savings.
before the commencement of this Act and who were appointed
under—

20 (a) the Public Trusts Act, 1897, shall be deemed to
have been appointed under the Public Trusts Act,
1897, as amended by this Act;

(b) the Commons Regulation Act, 1898, shall be
deemed to have been appointed under the
Commons Regulation Act, 1898, as amended by
this Act; and

25 (c) the Public Parks Act, 1912, shall be deemed to
have been appointed under the Public Parks Act,
1912, as amended by this Act.

BY AUTHORITY

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1971

New South Wales



ANNO VICESIMO

ELIZABETHÆ II REGINÆ

Act No. 29, 1971.

An Act to confer on the Minister certain powers, authorities, duties and functions of the Governor under the Public Trusts Act, 1897, the Commons Regulation Act, 1898, and the Public Parks Act, 1912; to enable the Minister to delegate such powers, authorities, duties and functions; for these and other purposes to amend those Acts; and for purposes connected therewith. [Assented to, 27th September, 1971.]

BE

Public Trusts and Other Acts (Amendment).

BE it enacted by the Queen'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 "Public Trusts and Other Acts (Amendment) Act, 1971".

Amendment
of Act No.
8, 1897.

2. The Public Trusts Act, 1897, is amended—

Sec. 1.
(Appoint-
ment of
trustees
of land
temporarily
reserved.)

- (a) by omitting from subsection one of section one the words "The Governor shall be deemed to have had and" and by inserting in lieu thereof the words "The Minister";

Sec. 2.
(Corpora-
tions or
councils
may be
appointed
trustees.)

- (b) (i) by omitting subsection one of section two and by inserting in lieu thereof the following subsection : —

(I) The Minister may—

- (a) by notice in the Gazette, appoint as trustees of land set apart, dedicated or reserved (temporarily or otherwise) for any public purpose—

(i) subject to subsection (IA) of this section, a council; or

(ii) any other corporate body;
and

(b)

Public Trusts and Other Acts (Amendment).

- (b) by that or a subsequent like notice, vest the land in such council or corporate body.
- (ii) by inserting next after subsection one of the same section the following new subsection :—
- (IA) A council shall not be appointed trustees of any land that is partly within its area and partly within the area of another council except with the consent of that other council.
- (iii) by omitting from subsection two of the same section the words “, or were the council of a municipality” and by inserting in lieu thereof the words “or council”; (Validation of past appointments.)
- (c) by omitting from section three the words “Governor may by notice in the Gazette, and without any deed, grant, or other assurance,” and by inserting in lieu thereof the words “Minister may by notice in the Gazette”; Sec. 3.
(Minister may vest land in trustees.)
- (d) (i) by omitting from section four the word “Governor” wherever occurring and by inserting in lieu thereof the word “Minister”; Sec. 4.
(Minister may appoint additional trustees.)
- (ii) by omitting from the same section the words “grant to, or by notice in the Gazette vest in,” and by inserting in lieu thereof the words “by notice in the Gazette vest in”;
- (iii) by omitting from the same section the word “colony” and by inserting in lieu thereof the word “State”;
- (e) by omitting from section 4A the word “Governor” wherever occurring and by inserting in lieu thereof the word “Minister”; Sec. 4A.
(Limitation of number of trustees to seven.)
- (f)

Public Trusts and Other Acts (Amendment).

Sec. 4B.
(Quorum.)

- (f) by inserting in subsection four of section 4B after the word "body" the words "or council";

Sec. 4c.
(Trustees
to report
annually
to Minister.)

- (g) (i) by inserting in subsection two of section 4c after the words "corporate body" wherever occurring the words "or council";
- (ii) by omitting from the same subsection the word "fifty-eight" and by inserting in lieu thereof the word "seventy-three";

Sec. 4D.
(Removal of
trustees.)

- (h) by omitting from section 4D the word "Governor" and by inserting in lieu thereof the word "Minister";

Sec. 10.
(Recovery
of
penalties.)

- (i) by omitting from section ten the words "police or";

New secs.
10A and 10B.

- (j) by inserting next after section ten the following new sections :—

Delegation
by Minister.

10A. (1) Subject to this section the Minister may by instrument in writing delegate to the holder of any prescribed office the exercise or performance of such of the powers (other than this power of delegation), authorities, duties and functions conferred or imposed upon the Minister by or under this Act as may be prescribed in relation to the holder of that office and may in like manner revoke wholly or in part any such delegation or any such delegation made by a predecessor in office.

(2) Any power, authority, duty or function, the exercise or performance of which has been delegated under this section to the holder of a prescribed office, may while the delegation remains unrevoked be exercised or performed from time to time in accordance with the terms of the delegation

Public Trusts and Other Acts (Amendment).

delegation by the person for the time being holding or acting in that office, whether or not the Minister who made the delegation holds office at the time of that exercise or performance.

(3) A delegation made under this section may be made subject to such conditions or such limitations as to the exercise or performance of any of the prescribed powers, authorities, duties or functions delegated or as to time or circumstances as may be specified in the instrument of delegation.

(4) Where any prescribed power, authority, duty or function is exercised or performed by the holder of a prescribed office in relation to whom that power, authority, duty or function is prescribed and the exercise or performance of the power, authority, duty or function is evidenced in writing, signed by the holder of, or person for the time being acting in, that office in the name of the Minister or in his own name on behalf of the Minister, the power, authority, duty or function shall be deemed to have been exercised or performed by the Minister, whether or not an instrument delegating the exercise or performance of the power, authority, duty or function to that holder was, when the power, authority, duty or function was exercised or performed, in force and whether or not any conditions or limitations referred to in subsection three of this section were observed by the person exercising or performing the power, authority, duty or function.

(5) Notwithstanding any delegation made under this section the Minister may continue to exercise or perform all or any of the powers, authorities, duties or functions delegated.

Public Trusts and Other Acts (Amendment).

Regulations.

10B. (1) The Governor may make regulations not inconsistent with this Act prescribing—

- (a) the powers, authorities, duties and functions of the Minister under this Act that may be delegated; and
- (b) the offices to the holders of which such powers, authorities, duties and functions may be delegated.

(2) A regulation under subsection one of this section relating to the powers, authorities, duties or functions that may be delegated to the holder of a prescribed office may describe any power, authority, duty or function in general or particular terms and may so describe the power, authority, duty or function that its exercise or performance by the holder of the prescribed office in relation to whom it is prescribed shall be subject to such conditions or limitations as may be specified in the regulation.

**Sec. 11.
(Definitions.)**

- (k) by omitting from section eleven the definition of "Governor" and by inserting in lieu thereof the following new definitions :—

"Area" has the meaning ascribed thereto in the Local Government Act, 1919.

"Council" has the meaning ascribed thereto in the Local Government Act, 1919.

**Amendment
of Act No.
15, 1898.**

- 3. The Commons Regulation Act, 1898, is amended—

Sec. 3.

- (a) (i) by inserting in section three next before the definition of "Common" the following new definition :—

"Area" has the meaning ascribed thereto in the Local Government Act, 1919.

(ii)

Public Trusts and Other Acts (Amendment).

- (ii) by inserting in the same section in the definition of "Common" after the word "Governor" where secondly occurring the words "or by the Minister";
- (iii) by inserting in the same section next after the definition of "Commoners' roll" the following new definition :—

"Council" has the meaning ascribed thereto in the Local Government Act, 1919.
- (b) by omitting from section four the words "by the Governor,"; Sec. 4.
(Trustees of commons to be a body corporate.)
- (c) (i) by omitting subsection one of section six and by inserting in lieu thereof the following subsection :— Sec. 6.
(First trustees.)
 - (1) The Minister may appoint the first trustees of any common.
 - (ii) by omitting from subsection three of the same section the word "Governor" and by inserting in lieu thereof the word "Minister";
- (d) by omitting from section eight the words "Colonial Secretary" and by inserting in lieu thereof the word "Minister"; Sec. 8.
(Election to be communicated.)
- (e) by omitting from section nine the word "Governor" and by inserting in lieu thereof the word "Minister"; Sec. 9.
(Minister may validate election.)
- (f) by omitting from section ten the words "Governor may" and by inserting in lieu thereof the words "Minister may, by notice in the Gazette,"; Sec 10.
(Minister may appoint trustees.)

(g)

Public Trusts and Other Acts (Amendment).

Sec. 11.
(Councils
may be
appointed
trustees.)

- (g) by omitting from section eleven the words "Governor may appoint the council of any municipality or shire" and by inserting in lieu thereof the words "Minister may appoint the council of an area";

Sec. 14.
(Moneys
received
and ex-
pended by
trustees.)

- (h) by omitting from the proviso to section fourteen the words "the council of a municipality or shire" and by inserting in lieu thereof the words "a council";

Sec. 15.
(Trustees
may make
regulations
and enforce
the same by
fines.)

- (i) by omitting from section fifteen the words "Colonial Secretary" and by inserting in lieu thereof the word "Minister";

Sec. 27.
(Fixing and
alteration of
commoners'
boundaries.)

- (j) by omitting from section twenty-seven the words "Governor may" and by inserting in lieu thereof the words "Minister may, by notice in the Gazette,";

Sec. 28.
(Removal of
trustees.)

- (k) by omitting from section twenty-eight the word "Governor" wherever occurring and by inserting in lieu thereof the word "Minister";

New sec.
28A.

- (l) by inserting next after section twenty-eight the following new section :—

Delegation
by Minister.

28A. (1) Subject to this section the Minister may by instrument in writing delegate to the holder of any prescribed office the exercise or performance of such of the powers (other than this power of delegation), authorities, duties and functions conferred or imposed upon the Minister by or under this Act as may be prescribed in relation to the holder of that office and may in like manner revoke wholly or in part any such delegation or any such delegation made by a predecessor in office.

(2)

Public Trusts and Other Acts (Amendment).

(2) Any power, authority, duty or function, the exercise or performance of which has been delegated under this section to the holder of a prescribed office, may while the delegation remains unrevoked be exercised or performed from time to time in accordance with the terms of the delegation by the person for the time being holding or acting in that office, whether or not the Minister who made the delegation holds office at the time of that exercise or performance.

(3) A delegation made under this section may be made subject to such conditions or such limitations as to the exercise or performance of any of the prescribed powers, authorities, duties or functions delegated or as to time or circumstances as may be specified in the instrument of delegation.

(4) Where any prescribed power, authority, duty or function is exercised or performed by the holder of a prescribed office in relation to whom that power, authority, duty or function is prescribed and the exercise or performance of the power, authority, duty or function is evidenced in writing, signed by the holder of, or person for the time being acting in, that office in the name of the Minister or in his own name on behalf of the Minister, the power, authority, duty or function shall be deemed to have been exercised or performed by the Minister, whether or not an instrument delegating the exercise or performance of the power, authority, duty or function to that holder was, when the power, authority, duty or function was exercised or performed, in force and whether or not any conditions or limitations referred to in subsection three of this section were observed by the person exercising or performing the power, authority, duty or function.

(5)

Public Trusts and Other Acts (Amendment).

(5) Notwithstanding any delegation made under this section the Minister may continue to exercise or perform all or any of the powers, authorities, duties or functions delegated.

Sec. 29.
(Regu-
lations.)

(m) (i) by omitting from paragraph (1) of section twenty-nine the word "and" where lastly occurring;

(ii) by inserting next after the same paragraph the following new paragraphs :—

(1A) the powers, authorities, duties and functions of the Minister under this Act that may be delegated;

(1B) the offices to the holders of which such powers, authorities, duties and functions may be delegated; and;

(iii) by inserting next after paragraph (2) of the same section the following new paragraph :—

A regulation under this section with respect to the powers, authorities, duties or functions that may be delegated to the holder of a prescribed office may describe any power, authority, duty or function in general or particular terms and may so describe the power, authority, duty or function that its exercise or performance by the holder of the prescribed office in relation to whom it is prescribed shall be subject to such conditions or limitations as may be specified in the regulation.

Amend-
ment
of Act No.
40, 1912.

4. The Public Parks Act, 1912, is amended—

Sec. 1.
(Short
title.)

(a) by omitting from the matter relating to Part III in section one the figures "7-13" and by inserting in lieu thereof the figures "7-15";

(b)

Public Trusts and Other Acts (Amendment).

- (b) by inserting in section three next before the definition of "Minister" the following new definitions :—
- "Area" has the meaning ascribed thereto in the Local Government Act, 1919.
- "Council" has the meaning ascribed thereto in the Local Government Act, 1919.
- (c) (i) by omitting from subsection one of section four the words "Governor may" and by inserting in lieu thereof the words "Minister may, by notice in the Gazette,"; Sec. 4.
(Appointment of trustees.)
- (ii) by omitting from subsection three of the same section the words "or may from time to time be prescribed by the Governor," and by inserting in lieu thereof the words "prescribed by the Governor or may from time to time be declared by the Minister, by notice in the Gazette,";
- (d) by omitting from subsection one of section six the words "Governor may appoint the council of any municipality" and by inserting in lieu thereof the words "Minister may, by notice in the Gazette, appoint the council of an area"; Sec. 6.
(Councils may be trustees.)
- (e) (i) by omitting from subsection one of section seven the word "municipal"; Sec. 7.
(Vacancies how supplied.)
- (ii) by omitting from the same subsection the words "Governor may" and by inserting in lieu thereof the words "Minister may, by notice in the Gazette,";
- (f) by omitting from section 7A the words "Governor may" and by inserting in lieu thereof the words "Minister may, by notice in the Gazette,"; Sec. 7A.
(Ex-officio trustees.)

(g)

Public Trusts and Other Acts (Amendment).

Sec. 7B.
(Quorum.) (g) by omitting from subsection four of section 7B the words "the council of a municipality" and by inserting in lieu thereof the words "a council";

Sec. 7C.
(Trustees to report annually to Minister.) (h) by omitting from subsection two of section 7C the words "the council of a municipality" and by inserting in lieu thereof the words "a council";

Sec. 7D.
(Removal of trustees.) (i) by omitting from section 7D the word "Governor" and by inserting in lieu thereof the word "Minister";

Sec. 12.
(Legal proceedings.) (j) by omitting from subsection one of section twelve the words "or police";

New secs.
14 and 15. (k) by inserting next after section thirteen the following new sections :—

Delegation
by Minister.

14. (1) Subject to this section the Minister may by instrument in writing delegate to the holder of any prescribed office the exercise or performance of such of the powers (other than this power of delegation), authorities, duties and functions conferred or imposed upon the Minister by or under this Act as may be prescribed in relation to the holder of that office and may in like manner revoke wholly or in part any such delegation or any such delegation made by a predecessor in office.

(2) Any power, authority, duty or function, the exercise or performance of which has been delegated under this section to the holder of a prescribed office, may while the delegation remains unrevoked be exercised or performed from time to time in accordance with the terms of the delegation by the person for the time being holding or acting in that office, whether or not the Minister who made the delegation holds office at the time of that exercise or performance.

Public Trusts and Other Acts (Amendment).

(3) A delegation made under this section may be made subject to such conditions or such limitations as to the exercise or performance of any of the prescribed powers, authorities, duties or functions delegated or as to time or circumstances as may be specified in the instrument of delegation.

(4) Where any prescribed power, authority, duty or function is exercised or performed by the holder of a prescribed office in relation to whom that power, authority, duty or function is prescribed and the exercise or performance of the power, authority, duty or function is evidenced in writing, signed by the holder of, or person for the time being acting in, that office in the name of the Minister or in his own name on behalf of the Minister, the power, authority, duty or function shall be deemed to have been exercised or performed by the Minister, whether or not an instrument delegating the exercise or performance of the power, authority, duty or function to that holder was, when the power, authority, duty or function was exercised or performed, in force and whether or not any conditions or limitations referred to in subsection three of this section were observed by the person exercising or performing the power, authority, duty or function.

(5) Notwithstanding any delegation made under this section the Minister may continue to exercise or perform all or any of the powers, authorities, duties or functions delegated.

15. (1) The Governor may make regulations **Regulations.** not inconsistent with this Act prescribing—

- (a) the powers, authorities, duties and functions of the Minister under this Act that may be delegated; and

(b)

Public Trusts and Other Acts (Amendment).

(b) the offices to the holders of which such powers, authorities, duties and functions may be delegated.

(2) A regulation under subsection one of this section relating to the powers, authorities, duties or functions that may be delegated to the holder of a prescribed office may describe any power, authority, duty or function in general or particular terms and may so describe the power, authority, duty or function that its exercise or performance by the holder of the prescribed office in relation to whom it is prescribed shall be subject to such conditions or limitations as may be specified in the regulation.

Savings.

5. All persons holding office as trustees immediately before the commencement of this Act and who were appointed under—

- (a) the Public Trusts Act, 1897, shall be deemed to have been appointed under the Public Trusts Act, 1897, as amended by this Act;
- (b) the Commons Regulation Act, 1898, shall be deemed to have been appointed under the Commons Regulation Act, 1898, as amended by this Act; and
- (c) the Public Parks Act, 1912, shall be deemed to have been appointed under the Public Parks Act, 1912, as amended by this Act.

BY AUTHORITY

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1971

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.

I. P. K. VIDLER,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 16 September, 1971.*

New South Wales



ANNO VICESIMO

ELIZABETHÆ II REGINÆ

Act No. 29, 1971.

An Act to confer on the Minister certain powers, authorities, duties and functions of the Governor under the Public Trusts Act, 1897, the Commons Regulation Act, 1898, and the Public Parks Act, 1912; to enable the Minister to delegate such powers, authorities, duties and functions; for these and other purposes to amend those Acts; and for purposes connected therewith. [Assented to, 27th September, 1971.]

BE

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

L. A. PUNCH,
Chairman of Committees of the Legislative Assembly.

Public Trusts and Other Acts (Amendment).

BE it enacted by the Queen'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 "Public Trusts and Other Acts (Amendment) Act, 1971".

Amendment
of Act No.
8, 1897.

2. The Public Trusts Act, 1897, is amended—

Sec. 1.
(Appoint-
ment of
trustees
of land
temporarily
reserved.)

(a) by omitting from subsection one of section one the words "The Governor shall be deemed to have had and" and by inserting in lieu thereof the words "The Minister";

Sec. 2.
(Corpora-
tions or
councils
may be
appointed
trustees.)

(b) (i) by omitting subsection one of section two and by inserting in lieu thereof the following subsection :—

(I) The Minister may—

(a) by notice in the Gazette, appoint as trustees of land set apart, dedicated or reserved (temporarily or otherwise) for any public purpose—

(i) subject to subsection (IA) of this section, a council; or

(ii) any other corporate body;
and

(b)

Public Trusts and Other Acts (Amendment).

- (b) by that or a subsequent like notice, vest the land in such council or corporate body.
 - (ii) by inserting next after subsection one of the same section the following new subsection :—
 - (IA) A council shall not be appointed trustees of any land that is partly within its area and partly within the area of another council except with the consent of that other council.
 - (iii) by omitting from subsection two of the same section the words “, or were the council of a municipality” and by inserting in lieu thereof the words “or council”; (Validation of past appointments.)
- (c) by omitting from section three the words “Governor may by notice in the Gazette, and without any deed, grant, or other assurance,” and by inserting in lieu thereof the words “Minister may by notice in the Gazette”; Sec. 3. (Minister may vest land in trustees.)
- (d) (i) by omitting from section four the word “Governor” wherever occurring and by inserting in lieu thereof the word “Minister”; Sec. 4. (Minister may appoint additional trustees.)
 - (ii) by omitting from the same section the words “grant to, or by notice in the Gazette vest in,” and by inserting in lieu thereof the words “by notice in the Gazette vest in”;
 - (iii) by omitting from the same section the word “colony” and by inserting in lieu thereof the word “State”;
- (e) by omitting from section 4A the word “Governor” wherever occurring and by inserting in lieu thereof the word “Minister”; Sec. 4A. (Limitation of number of trustees to seven.)
- (f)

Public Trusts and Other Acts (Amendment).

Sec. 4B.
(Quorum.)

- (f) by inserting in subsection four of section 4B after the word "body" the words "or council";

Sec. 4C.
(Trustees
to report
annually
to Minister.)

- (g) (i) by inserting in subsection two of section 4C after the words "corporate body" wherever occurring the words "or council";
- (ii) by omitting from the same subsection the word "fifty-eight" and by inserting in lieu thereof the word "seventy-three";

Sec. 4D.
(Removal of
trustees.)

- (h) by omitting from section 4D the word "Governor" and by inserting in lieu thereof the word "Minister";

Sec. 10.
(Recovery
of
penalties.)

- (i) by omitting from section ten the words "police or";

New secs.
10A and 10B.

- (j) by inserting next after section ten the following new sections :—

Delegation
by Minister.

10A. (1) Subject to this section the Minister may by instrument in writing delegate to the holder of any prescribed office the exercise or performance of such of the powers (other than this power of delegation), authorities, duties and functions conferred or imposed upon the Minister by or under this Act as may be prescribed in relation to the holder of that office and may in like manner revoke wholly or in part any such delegation or any such delegation made by a predecessor in office.

(2) Any power, authority, duty or function, the exercise or performance of which has been delegated under this section to the holder of a prescribed office, may while the delegation remains unrevoked be exercised or performed from time to time in accordance with the terms of the delegation

Public Trusts and Other Acts (Amendment).

delegation by the person for the time being holding or acting in that office, whether or not the Minister who made the delegation holds office at the time of that exercise or performance.

(3) A delegation made under this section may be made subject to such conditions or such limitations as to the exercise or performance of any of the prescribed powers, authorities, duties or functions delegated or as to time or circumstances as may be specified in the instrument of delegation.

(4) Where any prescribed power, authority, duty or function is exercised or performed by the holder of a prescribed office in relation to whom that power, authority, duty or function is prescribed and the exercise or performance of the power, authority, duty or function is evidenced in writing, signed by the holder of, or person for the time being acting in, that office in the name of the Minister or in his own name on behalf of the Minister, the power, authority, duty or function shall be deemed to have been exercised or performed by the Minister, whether or not an instrument delegating the exercise or performance of the power, authority, duty or function to that holder was, when the power, authority, duty or function was exercised or performed, in force and whether or not any conditions or limitations referred to in subsection three of this section were observed by the person exercising or performing the power, authority, duty or function.

(5) Notwithstanding any delegation made under this section the Minister may continue to exercise or perform all or any of the powers, authorities, duties or functions delegated.

Public Trusts and Other Acts (Amendment).

Regulations.

10B. (1) The Governor may make regulations not inconsistent with this Act prescribing—

- (a) the powers, authorities, duties and functions of the Minister under this Act that may be delegated; and
- (b) the offices to the holders of which such powers, authorities, duties and functions may be delegated.

(2) A regulation under subsection one of this section relating to the powers, authorities, duties or functions that may be delegated to the holder of a prescribed office may describe any power, authority, duty or function in general or particular terms and may so describe the power, authority, duty or function that its exercise or performance by the holder of the prescribed office in relation to whom it is prescribed shall be subject to such conditions or limitations as may be specified in the regulation.

**Sec. 11.
(Definitions.)**

- (k) by omitting from section eleven the definition of "Governor" and by inserting in lieu thereof the following new definitions :—

"Area" has the meaning ascribed thereto in the Local Government Act, 1919.

"Council" has the meaning ascribed thereto in the Local Government Act, 1919.

**Amendment
of Act No.
15, 1898.**

3. The Commons Regulation Act, 1898, is amended—

Sec. 3.

- (a) (i) by inserting in section three next before the definition of "Common" the following new definition :—

"Area" has the meaning ascribed thereto in the Local Government Act, 1919.

(ii)

Public Trusts and Other Acts (Amendment).

- (ii) by inserting in the same section in the definition of "Common" after the word "Governor" where secondly occurring the words "or by the Minister";
- (iii) by inserting in the same section next after the definition of "Commoners' roll" the following new definition :—

"Council" has the meaning ascribed thereto in the Local Government Act, 1919.
- (b) by omitting from section four the words "by the Governor,"; Sec. 4.
(Trustees of commons to be a body corporate.)
- (c) (i) by omitting subsection one of section six and by inserting in lieu thereof the following subsection :— Sec. 6.
(First trustees.)

(1) The Minister may appoint the first trustees of any common.
- (ii) by omitting from subsection three of the same section the word "Governor" and by inserting in lieu thereof the word "Minister"; Sec. 8.
- (d) by omitting from section eight the words "Colonial Secretary" and by inserting in lieu thereof the word "Minister"; (Election to be communicated.)
- (e) by omitting from section nine the word "Governor" and by inserting in lieu thereof the word "Minister"; Sec. 9.
(Minister may validate election.)
- (f) by omitting from section ten the words "Governor may" and by inserting in lieu thereof the words "Minister may, by notice in the Gazette,"; Sec 10.
(Minister may appoint trustees.)

(g)

Public Trusts and Other Acts (Amendment).

- | | |
|--|--|
| <p>Sec. 11.
(Councils
may be
appointed
trustees.)</p> | (g) by omitting from section eleven the words "Governor may appoint the council of any municipality or shire" and by inserting in lieu thereof the words "Minister may appoint the council of an area"; |
| <p>Sec. 14.
(Moneys
received
and ex-
pended by
trustees.)</p> | (h) by omitting from the proviso to section fourteen the words "the council of a municipality or shire" and by inserting in lieu thereof the words "a council"; |
| <p>Sec. 15.
(Trustees
may make
regulations
and enforce
the same by
fines.)</p> | (i) by omitting from section fifteen the words "Colonial Secretary" and by inserting in lieu thereof the word "Minister"; |
| <p>Sec. 27.
(Fixing and
alteration of
commoners'
boundaries.)</p> | (j) by omitting from section twenty-seven the words "Governor may" and by inserting in lieu thereof the words "Minister may, by notice in the Gazette,"; |
| <p>Sec. 28.
(Removal of
trustees.)</p> | (k) by omitting from section twenty-eight the word "Governor" wherever occurring and by inserting in lieu thereof the word "Minister"; |
| <p>New sec.
28A.</p> | (l) by inserting next after section twenty-eight the following new section :— |
| <p>Delegation
by Minister.</p> | <p>28A. (1) Subject to this section the Minister may by instrument in writing delegate to the holder of any prescribed office the exercise or performance of such of the powers (other than this power of delegation), authorities, duties and functions conferred or imposed upon the Minister by or under this Act as may be prescribed in relation to the holder of that office and may in like manner revoke wholly or in part any such delegation or any such delegation made by a predecessor in office.</p> <p style="text-align: right;">(2)</p> |

Public Trusts and Other Acts (Amendment).

(2) Any power, authority, duty or function, the exercise or performance of which has been delegated under this section to the holder of a prescribed office, may while the delegation remains unrevoked be exercised or performed from time to time in accordance with the terms of the delegation by the person for the time being holding or acting in that office, whether or not the Minister who made the delegation holds office at the time of that exercise or performance.

(3) A delegation made under this section may be made subject to such conditions or such limitations as to the exercise or performance of any of the prescribed powers, authorities, duties or functions delegated or as to time or circumstances as may be specified in the instrument of delegation.

(4) Where any prescribed power, authority, duty or function is exercised or performed by the holder of a prescribed office in relation to whom that power, authority, duty or function is prescribed and the exercise or performance of the power, authority, duty or function is evidenced in writing, signed by the holder of, or person for the time being acting in, that office in the name of the Minister or in his own name on behalf of the Minister, the power, authority, duty or function shall be deemed to have been exercised or performed by the Minister, whether or not an instrument delegating the exercise or performance of the power, authority, duty or function to that holder was, when the power, authority, duty or function was exercised or performed, in force and whether or not any conditions or limitations referred to in subsection three of this section were observed by the person exercising or performing the power, authority, duty or function.

(5)

Public Trusts and Other Acts (Amendment).

(5) Notwithstanding any delegation made under this section the Minister may continue to exercise or perform all or any of the powers, authorities, duties or functions delegated.

Sec. 29.
(Regu-
lations.)

(m) (i) by omitting from paragraph (1) of section twenty-nine the word "and" where lastly occurring;

(ii) by inserting next after the same paragraph the following new paragraphs :—

(1A) the powers, authorities, duties and functions of the Minister under this Act that may be delegated;

(1B) the offices to the holders of which such powers, authorities, duties and functions may be delegated; and;

(iii) by inserting next after paragraph (2) of the same section the following new paragraph :—

A regulation under this section with respect to the powers, authorities, duties or functions that may be delegated to the holder of a prescribed office may describe any power, authority, duty or function in general or particular terms and may so describe the power, authority, duty or function that its exercise or performance by the holder of the prescribed office in relation to whom it is prescribed shall be subject to such conditions or limitations as may be specified in the regulation.

Amend-
ment
of Act No.
40, 1912.

4. The Public Parks Act, 1912, is amended—

Sec. 1.
(Short
title.)

(a) by omitting from the matter relating to Part III in section one the figures "7-13" and by inserting in lieu thereof the figures "7-15";

(b)

Public Trusts and Other Acts (Amendment).

- (b) by inserting in section three next before the definition of "Minister" the following new definitions :—

Sec. 3.
(Interpretation.)

"Area" has the meaning ascribed thereto in the Local Government Act, 1919.

"Council" has the meaning ascribed thereto in the Local Government Act, 1919.

- (c) (i) by omitting from subsection one of section four the words "Governor may" and by inserting in lieu thereof the words "Minister may, by notice in the Gazette,";

Sec. 4.
(Appointment of trustees.)

- (ii) by omitting from subsection three of the same section the words "or may from time to time be prescribed by the Governor," and by inserting in lieu thereof the words "prescribed by the Governor or may from time to time be declared by the Minister, by notice in the Gazette,";

- (d) by omitting from subsection one of section six the words "Governor may appoint the council of any municipality" and by inserting in lieu thereof the words "Minister may, by notice in the Gazette, appoint the council of an area";

Sec. 6.
(Councils may be trustees.)

- (e) (i) by omitting from subsection one of section seven the word "municipal";

Sec. 7.
(Vacancies how supplied.)

- (ii) by omitting from the same subsection the words "Governor may" and by inserting in lieu thereof the words "Minister may, by notice in the Gazette,";

- (f) by omitting from section 7A the words "Governor may" and by inserting in lieu thereof the words "Minister may, by notice in the Gazette,";

Sec. 7A.
(Ex-officio trustees.)

(g)

Public Trusts and Other Acts (Amendment).

Sec. 7B.
(Quorum.) (g) by omitting from subsection four of section 7B the words "the council of a municipality" and by inserting in lieu thereof the words "a council";

Sec. 7C.
(Trustees to report annually to Minister.) (h) by omitting from subsection two of section 7C the words "the council of a municipality" and by inserting in lieu thereof the words "a council";

Sec. 7D.
(Removal of trustees.) (i) by omitting from section 7D the word "Governor" and by inserting in lieu thereof the word "Minister";

Sec. 12.
(Legal proceedings.) (j) by omitting from subsection one of section twelve the words "or police";

New secs.
14 and 15. (k) by inserting next after section thirteen the following new sections :—

Delegation
by Minister.

14. (1) Subject to this section the Minister may by instrument in writing delegate to the holder of any prescribed office the exercise or performance of such of the powers (other than this power of delegation), authorities, duties and functions conferred or imposed upon the Minister by or under this Act as may be prescribed in relation to the holder of that office and may in like manner revoke wholly or in part any such delegation or any such delegation made by a predecessor in office.

(2) Any power, authority, duty or function, the exercise or performance of which has been delegated under this section to the holder of a prescribed office, may while the delegation remains unrevoked be exercised or performed from time to time in accordance with the terms of the delegation by the person for the time being holding or acting in that office, whether or not the Minister who made the delegation holds office at the time of that exercise or performance.

(3)

Public Trusts and Other Acts (Amendment).

(3) A delegation made under this section may be made subject to such conditions or such limitations as to the exercise or performance of any of the prescribed powers, authorities, duties or functions delegated or as to time or circumstances as may be specified in the instrument of delegation.

(4) Where any prescribed power, authority, duty or function is exercised or performed by the holder of a prescribed office in relation to whom that power, authority, duty or function is prescribed and the exercise or performance of the power, authority, duty or function is evidenced in writing, signed by the holder of, or person for the time being acting in, that office in the name of the Minister or in his own name on behalf of the Minister, the power, authority, duty or function shall be deemed to have been exercised or performed by the Minister, whether or not an instrument delegating the exercise or performance of the power, authority, duty or function to that holder was, when the power, authority, duty or function was exercised or performed, in force and whether or not any conditions or limitations referred to in subsection three of this section were observed by the person exercising or performing the power, authority, duty or function.

(5) Notwithstanding any delegation made under this section the Minister may continue to exercise or perform all or any of the powers, authorities, duties or functions delegated.

15. (1) The Governor may make regulations Regulations. not inconsistent with this Act prescribing—

(a) the powers, authorities, duties and functions of the Minister under this Act that may be delegated; and

(b)

Public Trusts and Other Acts (Amendment).

(b) the offices to the holders of which such powers, authorities, duties and functions may be delegated.

(2) A regulation under subsection one of this section relating to the powers, authorities, duties or functions that may be delegated to the holder of a prescribed office may describe any power, authority, duty or function in general or particular terms and may so describe the power, authority, duty or function that its exercise or performance by the holder of the prescribed office in relation to whom it is prescribed shall be subject to such conditions or limitations as may be specified in the regulation.

Savings.

5. All persons holding office as trustees immediately before the commencement of this Act and who were appointed under—

- (a) the Public Trusts Act, 1897, shall be deemed to have been appointed under the Public Trusts Act, 1897, as amended by this Act;
- (b) the Commons Regulation Act, 1898, shall be deemed to have been appointed under the Commons Regulation Act, 1898, as amended by this Act; and
- (c) the Public Parks Act, 1912, shall be deemed to have been appointed under the Public Parks Act, 1912, as amended by this Act.

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

A. R. CUTLER,
Governor.

Government House,
Sydney, 27th September, 1971.

