

LUNA PARK SITE ACT, 1981, No. 29

New South Wales



ANNO TRICESIMO

ELIZABETHÆ II REGINÆ

\*\*\*\*\*

Act No. 29, 1981.

An Act to provide for vacation of the site of the amusement park known as "Luna Park" subject to the retention thereon of certain structures.  
[Assented to, 14th May, 1981.]



---

*Luna Park Site.*

---

**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 "Luna Park Site Act, 1981".

**Interpretation.**

2. In this Act, except in so far as the context or subject-matter otherwise indicates or requires—

"appointed day" means—

- (a) a day, not earlier than 3rd May, 1981, appointed by the Minister for the purposes of this Act by instrument in writing served on the company in the manner provided by section 362 of the Companies Act, 1961; or
- (b) where a later day is so appointed by the Minister by such an instrument so served—that later day;

"company" means Luna Park (N.S.W.) Pty. Limited;

"site" means the land described in Schedule 1;

"structure" means any structure, amusement device, decoration, fitting, seawall, wharf, pier, pile, floor or any other thing on the site on 8th April, 1981, whether a fixture or not.

**Company to vacate site.**

3. (1) All tenancies of, licences relating to, and other rights to occupy, the site or any part of the site terminate on the appointed day.

(2) If, after the appointed day and before Harbourside Amusement Park Pty. Limited occupies the site, any person remains in, or takes up, occupation of the site or any part of the site, the Minister may issue his warrant to the Sheriff to deliver possession of the site to the person appointed in the warrant to receive that possession.



---

*Luna Park Site.*

---

(3) Upon receipt of a warrant issued under subsection (2), the Sheriff shall deliver possession of the site in accordance with the warrant.

(4) For the purposes of subsection (2), the company does not occupy any part of the site by reason only that a structure or any part of a structure is on that part of the site.

**Removal of structures.**

4. (1) The company is guilty of an offence against this Act and liable to a penalty not exceeding \$10,000 if any structure specified in Schedule 2, or any part of a structure so specified—

- (a) where the company vacated the site before the date of assent to this Act—was removed from the site or demolished, on or after 13th April, 1981, and before the company vacated the site; or
- (b) where the company did not vacate the site before that date of assent—
  - (i) was removed from the site, or demolished, on or after 13th April, 1981, and before that date of assent; or
  - (ii) is removed from the site, or demolished, on or after that date of assent and before the company vacates the site,

unless the company proves that it did not, expressly or by implication, confer a right, or impose a duty, on any person to effect the removal or demolition, that it took all reasonable precautions to prevent the removal or demolition and that the removal or demolition took place without its connivance or consent.

(2) This Act does not operate to prevent the company from removing from the site any structure that is not a structure specified in Schedule 2 or part of a structure so specified—

- (a) within a time that the Minister, in his absolute discretion, specifies for the purposes of such a removal; and
- (b) in compliance with such conditions, if any, as the Minister may, in his absolute discretion, impose in relation to the removal.



---

*Luna Park Site.*

---

**Vesting of certain structures.**

5. (1) The structures on the site that are specified in Schedule 2 vest in Harbourside Amusement Park Pty. Limited, freed and discharged from all interests of, or created by, the company, upon Harbourside Amusement Park Pty. Limited paying to the Minister \$500,000.

(2) Where the payment referred to in subsection (1) is made to the Minister, he shall, not earlier than vacation of the site by the company, account for the payment by—

(a) paying to the Treasurer for credit of the Consolidated Revenue Fund an amount certified by the Minister as being calculated at the rate of \$1,000 for every day after the appointed day on which the company, a servant or agent of the company, or a person purporting to be authorised by, or allowed into possession by, the company occupies any part of the site;

(b) paying or tendering to the company \$500,000 reduced by—

(i) any amount paid under paragraph (a);

(ii) any amount assessed by the Valuer-General as compensation for damage (fair wear and tear excepted) that occurred after 11th March, 1981, to any structure specified in Schedule 2; and

(c) where a reduction referred to in paragraph (b) (ii) is made—  
by paying to Harbourside Amusement Park Pty. Limited an amount equal to the amount of the reduction.

(3) A lease of the site, or any part of the site to Harbourside Amusement Park Pty. Limited has no effect unless payment has been made to the Minister as referred to in subsection (1).

**Liability of directors of company.**

6. Where the company is guilty of an offence against this Act, each director of the company is guilty of the same offence and liable to the penalty prescribed for that offence when committed by the company.

**Compensation not payable to company.**

7. Compensation is not payable to any person by reason of the enactment and operation of this Act.



---

*Luna Park Site.*

---

**Proceedings for offences.**

**8. (1)** Proceedings for an offence against this Act may not be instituted without the consent of the Minister.

**(2)** Proceedings for an offence against this Act shall be disposed of summarily—

- (a) before a court of petty sessions constituted by a stipendiary magistrate sitting alone; or
- (b) before the Supreme Court of New South Wales in its summary jurisdiction.

**(3)** Where proceedings for an offence against this Act are taken before a court of petty sessions, the court may not, on convicting a person of the offence, impose a penalty exceeding \$2,000.

---

SCHEDULE 1.

(Sec. 2.)

1. Part of the land in certificate of title volume 12645 folio 152 being lots 101 and 103 deposited plan 82409 and that part of lot 102 deposited plan 574070 which excludes the area shown in filed plan 109128 as "To be vested in the Municipal Council of North Sydney for the purpose of public roads and highway".

2. The whole of the land in certificate of title volume 4811 folio 180 being lots 1 and 2 deposited plan 82531.

3. The whole of the land in certificate of title volume 9750 folio 79 being lot 2 deposited plan 219097.

4. The whole of the land in certificate of title volume 14074 folio 208 being lot 4 deposited plan 219097.

5. The whole of the land in certificate of title volume 12419 folio 204 and part of the land in certificate of title volume 5180 folio 1 being areas of 2,510 square metres and 60 square metres and the sites of 3 pile dolphin and 2 mooring piles shown on plan R.P. 1047 catalogued at The Maritime Services Board of New South Wales.

---



---

*Luna Park Site.*

---

## SCHEDULE 2.

(Sec. 5.)

1. The Laughing Clown Face entrance.
2. The mirrors in the Mirror Maze.
3. The Dodgem Pavilion.
4. The Floating Palais.
5. The interior and exterior decorations of Coney Island.

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

J. A. ROWLAND,  
Governor.

*Government House,  
Sydney, 14th May, 1981.*

---

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES, 1981







Linna Park, Ill.

SCHEDULE 3

(Sec. 1)

1. The Laughing Clown Face entrance.
2. The mirrors in the Mirror Maze.
3. The Dodger Pavilion.
4. The Floating Palace.
5. The interior and exterior decorations of Comet Island.

In the event that any amount of the property is given to the State

J. A. ...

...

Government House,  
Spring, 1951 May, 1951



## LUNA PARK SITE BILL, 1981

### EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The leases of the site of Luna Park ("the site") have expired and the present lessee, Luna Park (N.S.W.) Pty. Limited ("the company"), is holding over under the leases.

The objects of this Bill are to provide for the vacation of the site by the company and for the retention on the site of certain structures that are specified in Schedule 2 to the Bill.

The Bill contains the following provisions:—

Clause 1. Short title.

Clause 2. Interpretation.

Clause 3 terminates on "the appointed day" (being a day that is appointed by the Minister and is not earlier than 3rd May, 1981) all tenancies, licences and other rights to occupy the site and provides for delivery of possession of the site by the Sheriff, should the necessity arise.

Clause 4 penalises the company if a structure specified in Schedule 2 to the Bill is removed or demolished after the introduction into Parliament of the Bill and before vacation of the site by the company.

Clause 5—

- (a) vests in the successful tenderer for the lease of the site the structures specified in Schedule 2 to the Bill on payment to the Minister of \$500,000;
- (b) requires the Minister to account for that payment to him—
  - (i) by paying to the Consolidated Revenue Fund an amount calculated at the rate of \$1,000 per day for every day on which the company occupies the site after the appointed day;
  - (ii) by paying to the company the balance of the amount of \$500,000 less a deduction for any damage to the structures; and
  - (iii) by paying to the successful tenderer for the lease of the site an amount equal to the amount of any deduction under subparagraph (ii) .



Clause 6 imposes on the directors of the company vicarious liability for an offence by the company referred to in clause 4.

Clause 7 denies any payment of compensation by reason of the enactment of the proposed Act.

Clause 8 deals with procedural matters in relation to offences.

Schedule 1 describes the land that comprises the site.

Schedule 2 describes the structures that are to be retained on the site.

EXPLANATORY NOTES

The explanatory notes are included in this Bill as introduced into Parliament.

The lease of the site of Llandudno Park (the site) have expired and the present lease of the site of Llandudno Park (the site) is held by the company under the terms of the lease of the site of Llandudno Park (the site) which was granted to the company by the Secretary of State for Wales in 1971.

The objects of the Bill are to provide for the vacation of the site by the company and for the retention on the site of certain structures that are specified in Schedule 2 to the Bill.

The Bill contains the following provisions:

Clause 1. Short title.

Clause 2. Interpretation.

Clause 3. Extension of time for completion of work.

Clause 4. Power to require the company to demolish or alter any structure on the site which is not a structure specified in Schedule 2 to the Bill.

Clause 5. Power to require the company to demolish or alter any structure on the site which is not a structure specified in Schedule 2 to the Bill.

Clause 6. Vicarious liability for offences.

Clause 7. Denial of compensation.

Clause 8. Procedural matters.

Schedule 1. Land comprising the site.

Schedule 2. Structures to be retained on the site.

(ii)



# LUNA PARK SITE BILL, 1981

Enacted by the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

(1) For the purposes of this Act, the site to be vacated shall be the site on that part of the site by reason only of the fact that on that part of the site

Short title.

1. This Act may be cited as the "Luna Park Site Act, 1981".

Interpretation.

2. In this Act, except in so far as the context or subject-matter otherwise indicates or requires—  
"appointed day" means—

(a) a day, not earlier than 3rd May 1981, appointed by the Minister for the purposes of this Act by instrument in writing signed on the part of the Minister in the manner provided by section 302 of the Companies Act, 1961; or

No. 1981.

## A BILL FOR

An Act to provide for vacation of the site of the amusement park known as "Luna Park" subject to the retention thereon of certain structures.

[MR GORDON—13 April, 1981.]

3. (1) All tenancies of premises relating to, and other rights to occupy, the site or any part of the site terminate on the appointed day, and

(2) If, after the appointed day and before Harbour-side Amusement Park Pty. Limited occupies the site, any person remains in, or takes up, occupation of the site or any part of the site, the Minister may issue his warrant to the Sheriff to deliver possession of the site to the person appointed in the warrant to receive that possession.



---

*Luna Park Site.*

---

**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:—

**5 Short title.**

1. This Act may be cited as the "Luna Park Site Act, 1981".

**Interpretation.**

2. In this Act, except in so far as the context or subject-matter otherwise indicates or requires—

10 "appointed day" means—

(a) a day, not earlier than 3rd May, 1981, appointed by the Minister for the purposes of this Act by instrument in writing served on the company in the manner provided by section 362 of the Companies Act, 1961; or

15 (b) where a later day is so appointed by the Minister by such an instrument so served—that later day;

"company" means Luna Park (N.S.W.) Pty. Limited;

"site" means the land described in Schedule 1;

20 "structure" means any structure, amusement device, decoration, fitting, seawall, wharf, pier, pile, floor or any other thing on the site on 8th April, 1981, whether a fixture or not.

---

**Company to vacate site.**

3. (1) All tenancies of, licences relating to, and other rights to occupy, the site or any part of the site terminate on the appointed day.

25 (2) If, after the appointed day and before Harbourside Amusement Park Pty. Limited occupies the site, any person remains in, or takes up, occupation of the site or any part of the site, the Minister may issue his warrant to the Sheriff to deliver possession of the site to the person appointed in the warrant to receive that possession.



*Luna Park Site.*

(3) Upon receipt of a warrant issued under subsection (2), the Sheriff shall deliver possession of the site in accordance with the warrant.

(4) For the purposes of subsection (2), the company does not occupy any part of the site by reason only that a structure or any part of a structure is on that part of the site.

**Removal of structures.**

4. (1) The company is guilty of an offence against this Act and liable to a penalty not exceeding \$10,000 if any structure specified in Schedule 2, or any part of a structure so specified—

- 10 (a) where the company vacated the site before the date of assent to this Act—was removed from the site or demolished, on or after 13th April, 1981, and before the company vacated the site; or
- (b) where the company did not vacate the site before that date of assent—

- 15 (i) was removed from the site, or demolished, on or after 13th April, 1981, and before that date of assent; or
- (ii) is removed from the site, or demolished, on or after that date of assent and before the company vacates the site,

20 unless the company proves that it did not, expressly or by implication, confer a right, or impose a duty, on any person to effect the removal or demolition, that it took all reasonable precautions to prevent the removal or demolition and that the removal or demolition took place without its connivance or consent.

(2) This Act does not operate to prevent the company from removing from the site any structure that is not a structure specified in Schedule 2 or part of a structure so specified—

- (a) within a time that the Minister, in his absolute discretion, specifies for the purposes of such a removal; and
- (b) in compliance with such conditions, if any, as the Minister may, in his absolute discretion, impose in relation to the removal.
- 30



*Luna Park Site.***Vesting of certain structures.**

5 **5.** (1) The structures on the site that are specified in Schedule 2 vest in Harbourside Amusement Park Pty. Limited, freed and discharged from all interests of, or created by, the company, upon Harbourside Amusement Park Pty. Limited paying to the Minister \$500,000.

(2) Where the payment referred to in subsection (1) is made to the Minister, he shall, not earlier than vacation of the site by the company, account for the payment by—

10 (a) paying to the Treasurer for credit of the Consolidated Revenue Fund an amount certified by the Minister as being calculated at the rate of \$1,000 for every day after the appointed day on which the company, a servant or agent of the company, or a person purporting to be authorised by, or allowed into possession by, the company occupies any part of the site;

15 (b) paying or tendering to the company \$500,000 reduced by—

(i) any amount paid under paragraph (a);

20 (ii) any amount assessed by the Valuer-General as compensation for damage (fair wear and tear excepted) that occurred after 11th March, 1981, to any structure specified in Schedule 2; and

(c) where a reduction referred to in paragraph (b) (ii) is made— by paying to Harbourside Amusement Park Pty. Limited an amount equal to the amount of the reduction.

25 **(3)** A lease of the site, or any part of the site to Harbourside Amusement Park Pty. Limited has no effect unless payment has been made to the Minister as referred to in subsection (1).

**Liability of directors of company.**

30 **6.** Where the company is guilty of an offence against this Act, each director of the company is guilty of the same offence and liable to the penalty prescribed for that offence when committed by the company.

**Compensation not payable to company.**

**7.** Compensation is not payable to any person by reason of the enactment and operation of this Act.



---

*Luna Park Site.*

---

**Proceedings for offences.**

8. (1) Proceedings for an offence against this Act may not be instituted without the consent of the Minister.

(2) Proceedings for an offence against this Act shall be disposed of 5 summarily—

- (a) before a court of petty sessions constituted by a stipendiary magistrate sitting alone; or
- (b) before the Supreme Court of New South Wales in its summary jurisdiction.

10 (3) Where proceedings for an offence against this Act are taken before a court of petty sessions, the court may not, on convicting a person of the offence, impose a penalty exceeding \$2,000.

---

**SCHEDULE 1.****(Sec. 2.)**

15 1. Part of the land in certificate of title volume 12645 folio 152 being lots 101 and 103 deposited plan 82409 and that part of lot 102 deposited plan 574070 which excludes the area shown in filed plan 109128 as "To be vested in the Municipal Council of North Sydney for the purpose of public roads and highway".

20 2. The whole of the land in certificate of title volume 4811 folio 180 being lots 1 and 2 deposited plan 82531.

3. The whole of the land in certificate of title volume 9750 folio 79 being lot 2 deposited plan 219097.

4. The whole of the land in certificate of title volume 14074 folio 208 being lot 4 deposited plan 219097.

25 5. The whole of the land in certificate of title volume 12419 folio 204 and part of the land in certificate of title volume 5180 folio 1 being areas of 2,510 square metres and 60 square metres and the sites of 3 pile dolphin and 2 mooring piles shown on plan R.P. 1047 catalogued at The Maritime Services Board of New South Wales.

---



Luna Park Site.

SCHEDULE 2.

(Sec. 5.)

1. The Laughing Clown Face entrance.

2. The mirrors in the Mirror Maze.

3. The Dodgem Pavilion.

4. The Floating Palais.

5. The interior and exterior decorations of Coney Island.

BY AUTHORITY  
D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1981