

FIRST PRINT

BICENTENNIAL PARK TRUST BILL 1987

NEW SOUTH WALES



EXPLANATORY NOTE

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

The objects of this Bill are—

- (a) to constitute the Bicentennial Park Trust and to define its objects, functions and powers;
- (b) to vest in the Trust, for the use and enjoyment of the public, certain land at Homebush Bay (being the proposed Bicentennial Park); and
- (c) to make ancillary and other provisions with respect to the Trust and the land vested in the Trust.

PART 1—PRELIMINARY

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act will, with minor exceptions, commence on a day to be appointed by the Governor-in-Council.

Clause 3 defines certain expressions for the purposes of the proposed Act. In particular, "trust lands" is defined to mean the principal trust lands (being the proposed Bicentennial Park described in Part 1 of Schedule 1 to the proposed Act) as well as any additional trust lands acquired by the Trust.

PART 2—THE BICENTENNIAL PARK TRUST

Clause 4 constitutes the Trust as a corporation. The Trust is to be subject to the control and direction of the Minister and a statutory body representing the Crown.

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Clause 5 provides that the Trust is to consist of 7 trustees who are to be appointed by the Governor on the recommendation of the Minister. Other provisions relating to the trustees and the procedure of the Trust are contained in Schedules 2 and 3 to the proposed Act.

PART 3—OBJECTS AND FUNCTIONS OF THE TRUST

Clause 6 specifies the objects of the Trust. These include—

- (a) maintaining and improving the trust lands;
- (b) encouraging the use and enjoyment of the trust lands by the public by promoting and increasing the recreational, historical, scientific, educational and cultural value of those lands; and
- (c) maintaining the public's right to the use of the trust lands.

Clause 7 specifies the functions of the Trust. These include—

- (a) making use of the trust lands for various relevant activities;
- (b) entering into arrangements to provide food or other refreshments on the trust lands;
- (c) controlling and managing all property vested in the Trust;
- (d) investing surplus funds; and
- (e) making reports and recommendations to the Minister.

PART 4—PROPERTY OF THE TRUST

Clause 8 vests the proposed Bicentennial Park at Homebush Bay in the Trust (being the principal trust lands described in Part 1 of Schedule 1 to the proposed Act). This land is to be freed and discharged from existing interests (apart from those interests which are described in Part 2 of Schedule 1 to the proposed Act). The clause also empowers the Governor, by proclamation, to amend Part 1 of Schedule 1 to vest additional land as part of the principal trust lands and to amend Part 2 of Schedule 1 to add other interests which are not affected by the vesting of the land in the Trust.

Clause 9 prohibits the disposal of the principal trust lands by the Trust and prohibits their appropriation or resumption except by an Act of Parliament.

Clause 10 deals with the acquisition of other property by the Trust (including by gift, bequest or devise) and enables the Trust to agree to conditions attached to its acquisition of property.

Clause 11 prevents the Trust from disposing of any property acquired by gift, bequest or devise or any property being additional trust lands except with the Minister's approval or in accordance with any condition of acquisition. Under the clause, the Minister may, in certain cases, approve of the disposal of property despite any such condition.

Clause 12 empowers the Trust (with the approval of the Minister) to grant leases, easements and licences, and to impose restrictions as to user and positive covenants, in connection with the trust lands.

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PART 5—PLAN OF MANAGEMENT FOR TRUST LANDS

Clause 13 requires the Trust to prepare a plan of management. The plan is to contain a detailed statement of the operations proposed to be undertaken with respect to the trust lands.

Clause 14 provides for the adoption of the plan of management by the Minister. The Minister may refer the plan back to the Trust for further consideration.

Clause 15 enables the Trust to amend the plan of management from time to time or to cancel the plan and substitute a new one. The provisions relating to the preparation and adoption of the plan in clauses 13 and 14 apply to the amendment or substitution of the plan.

Clause 16 provides that the plan of management is to be implemented if it is adopted by the Minister. The operation of the Local Government Act 1919 and the Environmental Planning and Assessment Act 1979 is not affected.

PART 6—ADMINISTRATION

Clause 17 empowers the Trust to establish committees to enable it to carry out its functions.

Clause 18 makes provision for the employment under the Public Service Act 1979 of a Manager of Bicentennial Park and other staff. It also enables the Trust to arrange for the use of the services of the staff or facilities of a government department, administrative office or public authority.

Clause 19 specifies the responsibilities of the Manager in relation to the trust lands and provides that the Manager is subject to the control and direction of the Trust.

Clause 20 enables the Trust to delegate functions to a trustee, to a committee of the Trust or to the Manager or any other officer of the Trust.

PART 7—MISCELLANEOUS

Clause 21 specifies the financial year of the Trust.

Clause 22 makes the owner of a vehicle liable in certain cases for parking offences in the trust lands.

Clause 23 provides for the issue of "on-the-spot" infringement or penalty notices for breaches of the regulations.

Clause 24 is an evidentiary provision relating to the constitution and procedure of the Trust.

Clause 25 provides that proceedings for an offence against the proposed Act or regulations are to be dealt with summarily before a Local Court.

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Clause 26 empowers the Governor to make regulations under the proposed Act. In particular, the regulations may make provision for or with respect to the use and enjoyment of the trust lands, the care, control and management of the trust lands and the determination and payment of fees for the use of certain parts of the trust lands and for services provided by the Trust.

Clause 27 amends the Justices Act 1902 in a manner that applies the follow up and enforcement provisions of that Act to penalty notices for breaches of the regulations under the proposed Act. The clause also amends Schedule 2 to the Public Finance and Audit Act 1983 so as to apply to the Trust the accounting, auditing and annual report requirements of statutory bodies.

SCHEDULES

Schedule 1 sets out the description of the proposed Bicentennial Park to be vested in the Trust. The Schedule will also describe various interests that are not affected by the vesting of the land in the Trust (e.g. the leases for existing radio installations).

Schedule 2 contains provisions with respect to the trustees. In particular, provision is made with respect to a Chairperson of the Trust, acting trustees, the term of office of trustees (maximum 4 years), remuneration, vacation of office, the disclosure of pecuniary interests and the protection from personal liability when trustees act in good faith.

Schedule 3 contains provisions with respect to the procedure for the conduct of meetings of the Trust.

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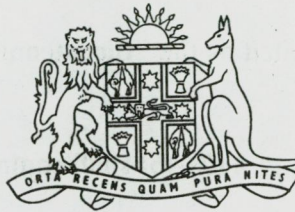
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BICENTENNIAL PARK TRUST BILL 1987

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No. , 1987

A BILL FOR

An Act to constitute the Bicentennial Park Trust and define its functions;
to vest certain land at Homebush Bay in the Trust; and for other purposes.

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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:

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PART 1

PRELIMINARY

Short title

1. This Act may be cited as the "Bicentennial Park Trust Act 1987".

Commencement

- 10 2. (1) Sections 1, 2 and 8 (3)–(5) shall commence on the date of assent to this Act.

(2) Except as provided by subsection (1), this Act shall commence on such day as may be appointed by the Governor and notified by proclamation published in the Gazette.

15 **Interpretation**

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

"additional trust lands" means lands (other than the principal trust lands) acquired by the Trust;

- 20 "Manager" means the person holding office, or duly acting, as Manager of Bicentennial Park;

"principal trust lands" means the lands for the time being described in Part 1 of Schedule 1;

"regulations" means regulations under this Act;

- 25 "Trust" means the Bicentennial Park Trust constituted by this Act;

"trust lands" means the principal trust lands and the additional trust lands;

"trustee" means a trustee referred to in section 5.

(2) In this Act—

- 30 (a) a reference to a function includes a reference to a power, authority and duty; and

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- (b) a reference to the exercise of a function includes, where the function is a duty, a reference to the performance of the duty.
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PART 2

THE BICENTENNIAL PARK TRUST

5 **Constitution of the Trust**

4. (1) There is constituted by this Act a corporation under the corporate name of the "Bicentennial Park Trust".

(2) The Trust—

- 10 (a) shall have and may exercise the functions conferred or imposed on it by or under this or any other Act;
- (b) shall, for the purposes of any Act, be deemed to be a statutory body representing the Crown; and
- (c) shall, in the exercise of its functions, be subject to the control and direction of the Minister.

15 **Appointment of trustees etc.**

5. (1) The Trust shall consist of 7 trustees who shall be appointed by the Governor on the recommendation of the Minister.

(2) Schedule 2 has effect with respect to the trustees.

(3) Schedule 3 has effect with respect to the procedure of the Trust.

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PART 3

OBJECTS AND FUNCTIONS OF THE TRUST

Objects of the Trust

6. The objects of the Trust are—

- (a) to maintain and improve the trust lands;

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- (b) to encourage the use and enjoyment of the trust lands by the public by promoting and increasing the recreational, historical, scientific, educational and cultural value of those lands;
- (c) to maintain the public's right to the use of the trust lands;
- 5 (d) to ensure the protection of the environment within the trust lands; and
- (e) such other objects, consistent with the functions of the Trust in relation to the trust lands, as the Trust considers appropriate.

Functions of the Trust

- 10 7. (1) The Trust may—
- (a) permit the use of the whole or any part of the trust lands for activities of a recreational, historical, scientific, educational or cultural nature;
 - 15 (b) in or in connection with the trust lands provide, or permit the provision of, food or other refreshments and apply for, hold or dispose of any relevant licence, permit or other authority for that purpose;
 - (c) maintain, or make arrangements for the maintenance of, the property of the Trust;
 - 20 (d) subject to the regulations, charge and receive fees or other amounts for, or in connection with, any service provided, article sold or permission given by the Trust in the exercise of any of its functions; and
 - 25 (e) enter into any contract or arrangement with any person for the purpose of promoting the objects of the Trust.
- (2) Subject to this Act and the regulations, the Trust shall have the control and management of all property of the Trust.
- (3) The fees and other amounts received by the Trust as referred to in subsection (1) (d) are the property of the Trust.
- 30 (4) The Trust may invest any of its funds not immediately required for the purposes of the Trust in any manner authorised by law for the investment of trust funds.
- (5) The Trust may, and when requested by the Minister shall, make reports and recommendations to the Minister with respect to the Trust and
35 the trust lands.

(6) The Trust shall have and may exercise such functions, in addition to those specified in this section, as are reasonably necessary to achieve its objects.

PART 4

5

PROPERTY OF THE TRUST

Vesting of principal trust lands at Homebush Bay in the Trust

8. (1) The land described in Part 1 of Schedule 1 shall vest in the Trust for an estate in fee simple.

10 (2) The land described in Part 1 of Schedule 1 is freed and discharged from any trusts, obligations, estates, interests, charges and rates (other than those referred to in Part 2 of that Schedule) existing in respect of the land immediately before the land is vested in the Trust.

15 (3) The Governor may from time to time, by proclamation published in the Gazette, amend Part 1 of Schedule 1 for the purpose of adding to the land for the time being described in Part 1 of that Schedule—

(a) Crown lands (within the meaning of the Crown Lands Consolidation Act 1913) or other land of the Crown;

(b) land of a public or local authority constituted by an Act of Parliament; or

20 (c) additional trust lands.

(4) The Governor may from time to time, by proclamation published in the Gazette, amend Part 2 of Schedule 1 for the purpose of adding any trusts, obligations, estates, interests, charges and rates to those for the time being described in Part 2 of that Schedule.

25 (5) A proclamation under this section may contain provisions of a savings or transitional nature consequent on the making of the proclamation (including provisions conferring on the Trust rights and liabilities in respect of trusts, obligations, estates, interests, charges and rates added to Part 2 of Schedule 1).

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(6) This section does not operate so as to vest in the Trust any pipeline or cable, or any apparatus used in connection with any pipeline or cable, that—

- 5 (a) was situated on or in any part of the principal trust lands immediately before that part of those lands was vested in the Trust; and
- 10 (b) was laid or constructed by or on behalf of the Australian Gas Light Company, the Electricity Commission of New South Wales, the Metropolitan Water Sewerage and Drainage Board, the Sydney County Council or C.S.R. Chemicals Ltd.

Prohibition against disposal or resumption of principal trust lands

9. (1) The Trust shall not sell, mortgage or otherwise dispose of any of the principal trust lands.

15 (2) Notwithstanding any other Act, the principal trust lands shall not be appropriated or resumed except by an Act of Parliament.

(3) This section does not affect the operation of section 12 (grant of leases, easements, licences etc.).

Acquisition of certain other property

20 10. (1) The Trust may agree to any condition that is not inconsistent with its objects being imposed on its acquisition of any property.

(2) The rule of law against remoteness of vesting does not apply to any such condition to which the Trust has agreed.

25 (3) If the Trust acquires any property by gift, devise or bequest, the Trust may retain the property in the form in which it was acquired, subject to any such condition to which the Trust has agreed.

(4) The Stamp Duties Act 1920 does not apply to or in respect of any gift, devise or bequest made or to be made to the Trust.

Disposal of certain other property

11. (1) In this section—

30 “condition” means a condition to which the Trust has agreed under section 10.

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- (2) The Trust shall not sell, mortgage or otherwise dispose of any property acquired by gift, devise or bequest, or any property being additional trust lands, except—
- 5 (a) if the property was acquired without any condition—with the approval of the Minister; or
- (b) if the property was acquired subject to a condition—in accordance with the condition or subsection (3).
- (3) If the Trust determines that any property that has been acquired by the Trust subject to a condition is not required for the purposes of the Trust,
- 10 the Trust (despite that condition) may, with the approval of the Minister—
- (a) sell the property;
- (b) exchange the property for other property;
- (c) give the property to any recreational, scientific or educational institution; or
- 15 (d) if the Trust is of the opinion that the property is of no commercial value—dispose of the property without valuable consideration.

Grant of leases, easements, licences etc.

12. (1) The Trust may, with the approval of the Minister, grant—
- (a) leases of parts of the trust lands;
- 20 (b) easements through, on or in the trust lands; and
- (c) licences for the use of parts of the trust lands.
- (2) The Trust may, with the approval of the Minister, impose restrictions on the use of, or impose positive covenants on, trust lands or other lands in accordance with sections 88D and 88E of the Conveyancing Act 1919.
- 25 (3) A lease granted under subsection (1) (a) may not have a term that, together with the term of any further lease which may be granted pursuant to an option contained in the lease, exceeds 15 years.
- (4) In this section, “easement” includes an easement in favour of—
- (a) the Crown in right of the State or the Commonwealth; or
- 30 (b) any public or local authority constituted by an Act of Parliament, without a dominant tenement.

PART 5

PLAN OF MANAGEMENT FOR TRUST LANDS

Preparation of plan of management

13. (1) The Trust shall, in accordance with any directions of the
5 Minister, cause a plan of management to be prepared for the trust lands.

(2) The plan of management shall contain a detailed written scheme of the operations proposed to be undertaken in or in relation to the trust lands.

Adoption etc. of plan of management

14. (1) When the plan of management has been prepared, the Trust—

10 (a) shall refer the plan to the Minister; and

(b) may, with the approval of the Minister, refer a copy of the plan to any other person.

(2) The Minister may—

15 (a) adopt the plan of management, without alteration or with such alterations as the Minister thinks fit; or

(b) refer it back to the Trust for further consideration.

Amendment or cancellation of plan of management

15. (1) The Trust may, in accordance with any directions of the Minister—

20 (a) amend the plan of management from time to time; or

(b) cancel the plan of management and substitute a new plan.

(2) Sections 13 and 14 apply to an amendment of the plan of management or the substitution of the plan of management in the same way as they apply to the preparation of the plan of management.

25 Carrying out of plan of management

16. (1) A plan of management adopted by the Minister shall be carried out and given effect to by the Trust.

(2) Nothing in this Part affects the operation of the Local Government Act 1919 or the Environmental Planning and Assessment Act 1979.

PART 6

ADMINISTRATION

Committees

17. (1) The Trust may establish committees to assist it in connection
5 with the exercise of any of its functions.

(2) It does not matter that any or all of the members of a committee are not trustees.

(3) The Manager is an ex officio member of each committee of the Trust.

(4) The procedure for the calling of meetings of a committee and for the
10 conduct of business at those meetings shall, subject to the regulations, be as determined by the Trust or (subject to any determination of the Trust) by the committee.

Staff of the Trust

18. (1) For the purposes of this Act—

15 (a) a Manager of Bicentennial Park; and

(b) such other persons as may be necessary to enable the Trust to exercise its functions,

shall be employed under the Public Service Act 1979.

(2) The Trust may—

20 (a) with the approval of the Minister; and

(b) on such terms and conditions as may be approved by the Public Service Board,

arrange for the use of the services of any staff or facilities of a government department, administrative office or public authority.

25 (3) For the purposes of this Act, a person who is employed for the purposes of subsection (1) or whose services are made use of under subsection (2) is an officer of the Trust.

The Manager

19. (1) The Manager is responsible for the administration and
30 management of the trust lands and any services provided in conjunction with the trust lands.

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(2) The Manager is, in the exercise of the Manager's functions under this Act, subject to the control and direction of the Trust.

(3) The Manager shall act as secretary to the Trust.

Delegation by the Trust

5 20. (1) The Trust may delegate to a trustee, to a committee of the Trust or to the Manager or any other officer of the Trust the exercise of any of its functions, other than this power of delegation.

(2) A delegation—

(a) shall be in writing;

10 (b) may be general or limited; and

(c) may be revoked, wholly or partly, by the Trust.

(3) A delegate is, in the exercise of a delegated function, subject to such conditions as are specified in the instrument of delegation.

15 (4) A delegated function, when exercised by the delegate, shall be deemed to have been exercised by the Trust.

(5) A delegation does not prevent the exercise of a function by the Trust.

(6) A function purporting to have been exercised by a delegate shall, until the contrary is proved, be deemed to have been duly exercised by a delegate under this section.

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PART 7**MISCELLANEOUS****Financial year of the Trust**

21. The financial year of the Trust shall be the year commencing 1 July.

Liability of vehicle owner for parking offences

22. (1) If a parking offence occurs in relation to any vehicle, the person who at the time of the occurrence of the offence is the owner of the vehicle shall, by virtue of this section, be guilty of an offence against the regulation
5 concerned as if the person were the actual offender guilty of the parking offence unless—

(a) in any case where the offence is dealt with under section 23, the person satisfies a prescribed officer described in the notice served
10 under that section that the vehicle was at the relevant time a stolen vehicle or a vehicle illegally taken or used; or

(b) in any other case, the court is satisfied that the vehicle was at the relevant time a stolen vehicle or a vehicle illegally taken or used.

(2) Nothing in this section affects the liability of the actual offender but where a penalty has been imposed on or recovered from any person in
15 relation to a parking offence no further penalty shall be imposed on or recovered from any other person in relation to that offence.

(3) Notwithstanding subsection (1), an owner of a vehicle is not, by virtue of that subsection, guilty of an offence if—

(a) in any case where the offence is dealt with under section 23, the
20 person—

(i) within 21 days after service on the person of a notice under that section alleging that the person is guilty of the offence, supplies by statutory declaration to a prescribed officer described in the notice the name and address of the person who was in charge
25 of the vehicle at all relevant times relating to the offence; or

(ii) satisfies that prescribed officer that the person did not know and could not with reasonable diligence have ascertained that name and address; or

(b) in any other case, the person—

(i) within 21 days after service on the person of a summons in respect of the offence, supplies by statutory declaration to the informant the name and address of the person who was in charge of the vehicle at all relevant times relating to the offence;
30 or

(ii) satisfies the court that the person did not know and could not with reasonable diligence have ascertained that name and address.
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(4) A statutory declaration under subsection (3) if produced in any proceedings against the person named in it and in relation to the offence in respect of which the statutory declaration was supplied is evidence that that person was in charge of the vehicle at all relevant times relating to that
5 offence.

(5) A statutory declaration which relates to more than one offence shall be deemed not to be a statutory declaration under, or for the purposes of, subsection (3).

(6) In this section—

10 “owner”, in relation to a vehicle, being a registered vehicle, includes—

(a) every person who is the owner or joint owner or part owner of the vehicle and any person who has the use of the vehicle under a hire-purchase agreement but not the lessor under any such agreement;

15 (b) the person in whose name the vehicle is registered except where that person has sold or otherwise disposed of the vehicle and has complied with the provisions of the regulations under the Motor Traffic Act 1909 applicable to the person in regard to that sale or disposal;

20 (c) in the case of a vehicle to which a trader’s plate is affixed, the person to whom that trader’s plate is on issue; and

(d) a person who, pursuant to the regulations under the Motor Traffic Act 1909, is to be treated as being, for the purposes of section 18A of that Act, the owner of the vehicle;

25 “parking offence” means any offence of parking a vehicle in contravention of the regulations;

“registered” means registered under the Motor Traffic Act 1909;

“trader’s plate” means a trader’s plate issued under the Motor Traffic Act 1909 for use as prescribed by the regulations under that Act.

Penalty notices for offences against regulations

23. (1) If it appears to a prescribed officer that any person has committed, or by virtue of section 22 is guilty of, any offence against a regulation, the officer may serve a notice on that person to the effect that, if that person does not desire to have the matter determined by a court, that person may pay to the Manager, within a time specified in the notice, an amount of penalty prescribed by the regulations for the offence if dealt with under this section.

(2) Any such notice—

10 (a) may be served personally or by post; or

(b) if it relates to an offence of which the owner of a vehicle is guilty by virtue of section 22, may be addressed to the owner without naming the owner or stating the address of the owner and may be served by leaving it on or attaching it to the vehicle.

15 (3) Any person alleged to have committed or to be guilty of an offence to which subsection (1) applies has the right to decline to be dealt with under this section.

(4) Any person who fails to pay the penalty within the time specified in the notice or within such further time as may in any particular case be allowed shall be deemed to have declined to be dealt with under this section.

(5) If the amount of any penalty prescribed for an alleged offence is paid in accordance with this section, no person is liable to any further proceedings for the alleged offence.

25 (6) Payment of a penalty in accordance with this section shall not be regarded as an admission of liability for the purpose of nor in any way affect or prejudice any civil claim, action or proceeding arising out of the same occurrence.

30 (7) The provisions of this section shall be construed as supplementing, and not as derogating from, any other provision of this Act or the regulations or any other Act in relation to proceedings which may be taken in respect of offences.

Proof of certain matters not required

24. In any legal proceedings, proof is not required (until evidence is given to the contrary) of—

35 (a) the constitution of the Trust;

(b) any resolution of the Trust;

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- (c) the appointment of, or the holding of office by, any trustee; or
- (d) the presence of a quorum at any meeting of the Trust.

Proceedings for offences

25. Proceedings for an offence against this Act or the regulations shall
5 be dealt with summarily before a Local Court constituted by a Magistrate sitting alone.

Regulations

26. (1) The Governor may make regulations, not inconsistent with this
10 Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act and, in particular, for or with respect to—

- (a) the use and enjoyment of the trust lands;
- (b) the care, control and management of the trust lands;
- 15 (c) the determination and payment of fees for—
 - (i) the use of recreation areas in the trust lands;
 - (ii) the use of roadways or other areas within the trust lands for organised activities;
 - 20 (iii) filming or photographing within the trust lands for the purpose of cinema or television productions or for commercial purposes;
 - (iv) the use or purchase of any written or other material that is the property of the Trust; and
 - (v) such other items or services as the Trust may provide;
- (d) the meetings of the Trust;
- 25 (e) the committees of the Trust; and
- (f) the use and custody of the seal of the Trust.

(2) A regulation may create an offence punishable by a penalty not exceeding \$200.

(3) A provision of a regulation may—

- 30 (a) apply generally or be limited in its application by reference to specified exceptions or factors;
- (b) apply differently according to different factors of a specified kind; or

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(c) authorise any matter or thing to be from time to time determined, applied or regulated by a specified person or body,
or may do any combination of those things.

(4) In this section, a reference to the trust lands includes a reference to
5 any part of the trust lands.

Amendment of Justices Act 1902 and Public Finance and Audit Act 1983

27. (1) The Justices Act 1902 is amended by inserting (in alphabetical order) in the statutory provisions listed in paragraph (a) of the definition of "penalty notice" in section 100(1) the following matter:

-10 Bicentennial Park Trust Act 1987, section 23;

(2) The Public Finance and Audit Act 1983 is amended by inserting in Schedule 2 (in alphabetical order) the words "Bicentennial Park Trust."

SCHEDULE 1

(Sec. 8)

15

LAND VESTED IN THE TRUST

PART 1—Description of principal trust lands

All those pieces or parcels of land situated in the Municipalities of Strathfield, Auburn and Concord, Parish of Concord and County of Cumberland, being lot 1 Deposited Plan 740598, lot 1 Deposited Plan 740599 and lots 2, 6, 7 and 10 Deposited Plan 740600,
20 and having a total area of 100.4 hectares or thereabouts.

PART 2—Leases, interests etc. not affected by vesting

SCHEDULE 2

(Sec. 5 (2))

PROVISIONS RELATING TO THE TRUSTEES

25 **Age of trustee**

1. A person who is of or above the age of 70 years is not eligible to be appointed as a trustee.

*Bicentennial Park Trust 1987*SCHEDULE 2—*continued*PROVISIONS RELATING TO THE TRUSTEES—*continued***Chairperson of the Trust**

2. (1) Of the trustees, one shall, in and by the relevant instrument of appointment as a trustee or by another instrument executed by the Governor, be appointed as Chairperson of the Trust.

5 (2) The Governor may remove a trustee from the office of Chairperson.

(3) The Chairperson shall be deemed to have vacated the office of Chairperson if the Chairperson—

(a) is removed from that office by the Governor under subclause (2);

(b) resigns that office by instrument in writing addressed to the Minister; or

10 (c) ceases to be a trustee.

(4) The Chairperson may be referred to as the Chairman or Chairwoman.

Acting trustees and acting Chairperson

3. (1) The Minister may, from time to time, appoint a person to act in the office of a trustee during the illness or absence of the trustee, and the person, while so acting, shall have and may exercise all the functions of the trustee and shall be deemed to be a trustee.

15

(2) The Minister may, from time to time, appoint a trustee to act in the office of Chairperson during the illness or absence of the Chairperson, and the trustee, while so acting, shall have and may exercise all the functions of the Chairperson and shall be deemed to be the Chairperson.

20

(3) The Minister may remove any person from any office to which the person was appointed under this clause.

(4) A person while acting in the office of a trustee is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of the person.

25

(5) For the purposes of this clause, a vacancy in the office of a trustee or the Chairperson shall be deemed to be an absence from office of the trustee or Chairperson, as the case may be.

Term of office

30 4. Subject to this Schedule, a trustee shall hold office for such period, not exceeding 4 years, as may be specified in the instrument of appointment of the trustee, but is eligible (if otherwise qualified) for re-appointment.

*Bicentennial Park Trust 1987*SCHEDULE 2—*continued*PROVISIONS RELATING TO THE TRUSTEES—*continued***Remuneration**

5. (1) A trustee is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of the trustee.

5 (2) In this clause—

“trustee” includes any member of a committee of the Trust.

Filling of vacancy in office of trustee

6. If the office of any trustee becomes vacant, a person shall, subject to this Act, be appointed to fill the vacancy.

10 Casual vacancies

7. (1) A trustee shall be deemed to have vacated office if the trustee—

- (a) dies;
- 15 (b) absents himself or herself from 3 consecutive meetings of the Trust of which reasonable notice has been given to the trustee personally or in the ordinary course of post, except on leave granted by the Trust or unless, before the expiration of 6 weeks after the last of those meetings, the trustee is excused by the Trust for being absent from those meetings;
- 20 (c) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit;
- (d) becomes a temporary patient or a continued treatment patient within the meaning of the Mental Health Act 1958, a forensic patient within the meaning of the Mental Health Act 1983 or a protected person within the meaning of the Protected Estates Act 1983;
- 25 (e) is convicted in New South Wales of an offence which is punishable by imprisonment or penal servitude for 12 months or upwards or is convicted elsewhere than in New South Wales of an offence which if committed in New South Wales would be an offence so punishable;
- (f) resigns the office by instrument in writing addressed to the Minister;
- 30 (g) reaches the age of 70 years; or
- (h) is removed from office by the Governor under subclause (2) or (3).

(2) The Governor may remove a trustee from office.

(3) Without limiting the generality of subclause (2), the Governor may remove from office a trustee who contravenes the provisions of clause 8.

*Bicentennial Park Trust 1987*SCHEDULE 2—*continued*PROVISIONS RELATING TO THE TRUSTEES—*continued***Disclosure of pecuniary interests**

8. (1) A trustee who has a direct or indirect pecuniary interest—

(a) in a matter that is being considered, or is about to be considered, at a meeting of the Trust; or

5 (b) in a thing being done or about to be done by the Trust,

shall, as soon as possible after the relevant facts have come to the trustee's knowledge, disclose the nature of the interest at a meeting of the Trust.

(2) A disclosure by a trustee at a meeting of the Trust that the trustee—

(a) is a member, or is in the employment, of a specified company or other body;

10 (b) is a partner, or is in the employment, of a specified person; or

(c) has some other specified interest relating to a specified company or other body or a specified person,

15 shall be deemed to be a sufficient disclosure of the nature of the interest in any matter or thing relating to that company or other body or to that person which may arise after the date of the disclosure.

(3) The Trust shall cause particulars of any disclosure made under subclause (1) or (2) to be recorded in a book kept for the purpose and that book shall be open at all reasonable hours to the inspection of any person on payment of such fee as may be determined by the Trust from time to time.

20 (4) After a trustee has, or is deemed to have, disclosed the nature of an interest in any matter or thing pursuant to subclause (1) or (2), the trustee shall not, unless the Minister otherwise determines—

(a) be present during any deliberation of the Trust, or take part in any decision of the Trust, with respect to that matter; or

25 (b) exercise any functions under this Act with respect to that thing,

as the case requires.

(5) Notwithstanding that a trustee contravenes the provisions of this clause, that contravention does not invalidate any decision of the Trust or the exercise of any function under this Act.

30 (6) A reference in this clause to a meeting of the Trust includes a reference to a meeting of a committee of the Trust.

Effect of certain other Acts

9. (1) The Public Service Act 1979 does not apply to or in respect of the appointment of a trustee and a trustee is not, as a trustee, subject to that Act.

*Bicentennial Park Trust 1987*SCHEDULE 2—*continued*PROVISIONS RELATING TO THE TRUSTEES—*continued*

(2) If by or under any other Act provision is made—

(a) requiring a person who is the holder of a specified office to devote the whole of his or her time to the duties of that office; or

5. (b) prohibiting the person from engaging in employment outside the duties of that office,

that provision does not operate to disqualify the person from holding that office and also the office of a trustee or from accepting and retaining any remuneration payable to the person under this Act as a trustee.

10 (3) The office of a trustee shall for the purposes of any Act be deemed not to be an office or place of profit under the Crown.

Liability of trustees etc.

15 10. No matter or thing done by the Trust, any trustee or any person acting under the direction of the Trust shall, if the matter or thing was done in good faith for the purposes of executing this or any other Act, subject a trustee or a person so acting personally to any action, liability, claim or demand.

SCHEDULE 3

(Sec. 5 (3))

PROVISIONS RELATING TO THE PROCEDURE OF THE TRUST

General procedure

20 1. The procedure for the calling of meetings of the Trust and for the conduct of business at those meetings shall, subject to this Act, be as determined by the Trust.

Quorum

2. The quorum for a meeting of the Trust is 4 trustees.

Presiding trustee

25 3. (1) The Chairperson of the Trust or, in the absence of the Chairperson, another trustee elected to chair the meeting by the trustees present shall preside at a meeting of the Trust.

(2) The person presiding at any meeting of the Trust has a deliberative vote and, in the event of an equality of votes, has a second or casting vote.

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SCHEDULE 3—*continued*PROVISIONS RELATING TO THE PROCEDURE OF THE TRUST—*continued***Voting**

4. A decision supported by a majority of the votes cast at a meeting of the Trust at which a quorum is present shall be the decision of the Trust.

Minutes

5 5. The Trust shall cause full and accurate minutes to be kept of the proceedings of each meeting of the Trust.

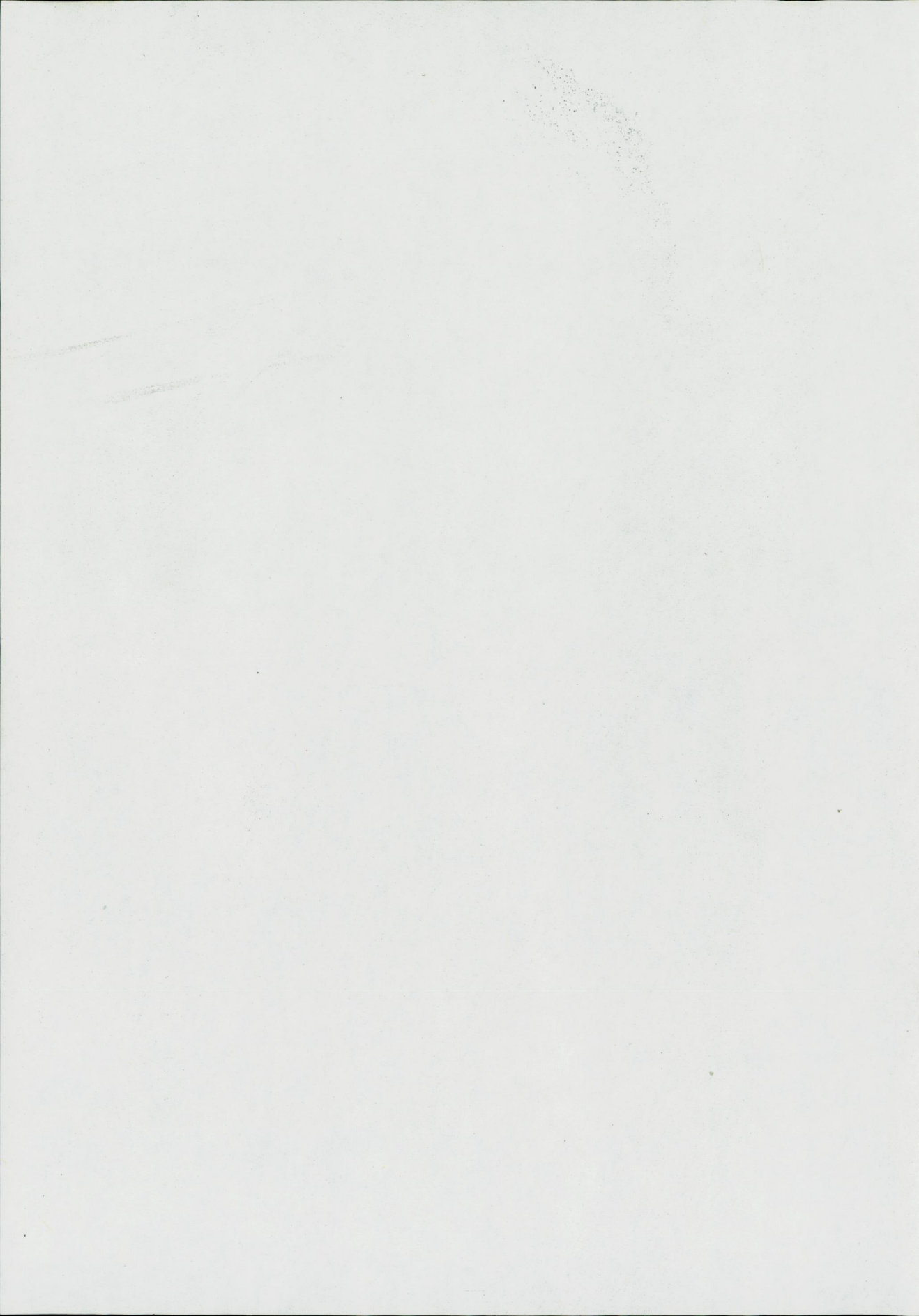
The Manager

10 6. The Manager is entitled to be heard by the Trust on any matter considered by the Trust and, unless the Trust otherwise directs, is entitled to be present at each meeting of the Trust.

First meeting of the Trust

7. The Minister shall call the first meeting of the Trust in such manner as the Minister thinks fit.





BICENTENNIAL PARK TRUST ACT 1987 No. 29

NEW SOUTH WALES



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BICENTENNIAL PARK TRUST ACT 1987 No. 29

NEW SOUTH WALES



Act No. 29, 1987

An Act to constitute the Bicentennial Park Trust and define its functions; to vest certain land at Homebush Bay in the Trust; and for other purposes.
[Assented to 15 May 1987]

Bicentennial Park Trust 1987

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:

PART 1
PRELIMINARY

Short title

1. This Act may be cited as the "Bicentennial Park Trust Act 1987".

Commencement

2. (1) Sections 1, 2 and 8 (3)–(5) shall commence on the date of assent to this Act.

(2) Except as provided by subsection (1), this Act shall commence on such day as may be appointed by the Governor and notified by proclamation published in the Gazette.

Interpretation

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

"additional trust lands" means lands (other than the principal trust lands) acquired by the Trust;

"Manager" means the person holding office, or duly acting, as Manager of Bicentennial Park;

"principal trust lands" means the lands for the time being described in Part 1 of Schedule 1;

"regulations" means regulations under this Act;

"Trust" means the Bicentennial Park Trust constituted by this Act;

"trust lands" means the principal trust lands and the additional trust lands;

"trustee" means a trustee referred to in section 5.

(2) In this Act—

- (a) a reference to a function includes a reference to a power, authority and duty; and

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- (b) a reference to the exercise of a function includes, where the function is a duty, a reference to the performance of the duty.
-

PART 2

THE BICENTENNIAL PARK TRUST

Constitution of the Trust

4. (1) There is constituted by this Act a corporation under the corporate name of the "Bicentennial Park Trust".

(2) The Trust—

- (a) shall have and may exercise the functions conferred or imposed on it by or under this or any other Act;
- (b) shall, for the purposes of any Act, be deemed to be a statutory body representing the Crown; and
- (c) shall, in the exercise of its functions, be subject to the control and direction of the Minister.

Appointment of trustees etc.

5. (1) The Trust shall consist of 7 trustees who shall be appointed by the Governor on the recommendation of the Minister.

(2) Schedule 2 has effect with respect to the trustees.

(3) Schedule 3 has effect with respect to the procedure of the Trust.

PART 3

OBJECTS AND FUNCTIONS OF THE TRUST

Objects of the Trust

6. The objects of the Trust are—

- (a) to maintain and improve the trust lands;

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- (b) to encourage the use and enjoyment of the trust lands by the public by promoting and increasing the recreational, historical, scientific, educational and cultural value of those lands;
- (c) to maintain the public's right to the use of the trust lands;
- (d) to ensure the protection of the environment within the trust lands; and
- (e) such other objects, consistent with the functions of the Trust in relation to the trust lands, as the Trust considers appropriate.

Functions of the Trust

7. (1) The Trust may—
- (a) permit the use of the whole or any part of the trust lands for activities of a recreational, historical, scientific, educational or cultural nature;
 - (b) in or in connection with the trust lands provide, or permit the provision of, food or other refreshments and apply for, hold or dispose of any relevant licence, permit or other authority for that purpose;
 - (c) maintain, or make arrangements for the maintenance of, the property of the Trust;
 - (d) subject to the regulations, charge and receive fees or other amounts for, or in connection with, any service provided, article sold or permission given by the Trust in the exercise of any of its functions; and
 - (e) enter into any contract or arrangement with any person for the purpose of promoting the objects of the Trust.
- (2) Subject to this Act and the regulations, the Trust shall have the control and management of all property of the Trust.
- (3) The fees and other amounts received by the Trust as referred to in subsection (1) (d) are the property of the Trust.
- (4) The Trust may invest any of its funds not immediately required for the purposes of the Trust in any manner authorised by law for the investment of trust funds.
- (5) The Trust may, and when requested by the Minister shall, make reports and recommendations to the Minister with respect to the Trust and the trust lands.

(6) The Trust shall have and may exercise such functions, in addition to those specified in this section, as are reasonably necessary to achieve its objects.

PART 4

PROPERTY OF THE TRUST

Vesting of principal trust lands at Homebush Bay in the Trust

8. (1) The land described in Part 1 of Schedule 1 shall vest in the Trust for an estate in fee simple.

(2) The land described in Part 1 of Schedule 1 is freed and discharged from any trusts, obligations, estates, interests, charges and rates (other than those referred to in Part 2 of that Schedule) existing in respect of the land immediately before the land is vested in the Trust.

(3) The Governor may from time to time, by proclamation published in the Gazette, amend Part 1 of Schedule 1 for the purpose of adding to the land for the time being described in Part 1 of that Schedule—

- (a) Crown lands (within the meaning of the Crown Lands Consolidation Act 1913) or other land of the Crown;
- (b) land of a public or local authority constituted by an Act of Parliament; or
- (c) additional trust lands.

(4) The Governor may from time to time, by proclamation published in the Gazette, amend Part 2 of Schedule 1 for the purpose of adding any trusts, obligations, estates, interests, charges and rates to those for the time being described in Part 2 of that Schedule.

(5) A proclamation under this section may contain provisions of a savings or transitional nature consequent on the making of the proclamation (including provisions conferring on the Trust rights and liabilities in respect of trusts, obligations, estates, interests, charges and rates added to Part 2 of Schedule 1).

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(6) This section does not operate so as to vest in the Trust any pipeline or cable, or any apparatus used in connection with any pipeline or cable, that—

- (a) was situated on or in any part of the principal trust lands immediately before that part of those lands was vested in the Trust; and
- (b) was laid or constructed by or on behalf of the Australian Gas Light Company, the Electricity Commission of New South Wales, the Metropolitan Water Sewerage and Drainage Board, the Sydney County Council or C.S.R. Chemicals Ltd.

Prohibition against disposal or resumption of principal trust lands

9. (1) The Trust shall not sell, mortgage or otherwise dispose of any of the principal trust lands.

(2) Notwithstanding any other Act, the principal trust lands shall not be appropriated or resumed except by an Act of Parliament.

(3) This section does not affect the operation of section 12 (grant of leases, easements, licences etc.).

Acquisition of certain other property

10. (1) The Trust may agree to any condition that is not inconsistent with its objects being imposed on its acquisition of any property.

(2) The rule of law against remoteness of vesting does not apply to any such condition to which the Trust has agreed.

(3) If the Trust acquires any property by gift, devise or bequest, the Trust may retain the property in the form in which it was acquired, subject to any such condition to which the Trust has agreed.

(4) The Stamp Duties Act 1920 does not apply to or in respect of any gift, devise or bequest made or to be made to the Trust.

Disposal of certain other property

11. (1) In this section—

“condition” means a condition to which the Trust has agreed under section 10.

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(2) The Trust shall not sell, mortgage or otherwise dispose of any property acquired by gift, devise or bequest, or any property being additional trust lands, except—

(a) if the property was acquired without any condition—with the approval of the Minister; or

(b) if the property was acquired subject to a condition—in accordance with the condition or subsection (3).

(3) If the Trust determines that any property that has been acquired by the Trust subject to a condition is not required for the purposes of the Trust, the Trust (despite that condition) may, with the approval of the Minister—

(a) sell the property;

(b) exchange the property for other property;

(c) give the property to any recreational, scientific or educational institution; or

(d) if the Trust is of the opinion that the property is of no commercial value—dispose of the property without valuable consideration.

Grant of leases, easements, licences etc.

12. (1) The Trust may, with the approval of the Minister, grant—

(a) leases of parts of the trust lands;

(b) easements through, on or in the trust lands; and

(c) licences for the use of parts of the trust lands.

(2) The Trust may, with the approval of the Minister, impose restrictions on the use of, or impose positive covenants on, trust lands or other lands in accordance with sections 88D and 88E of the Conveyancing Act 1919.

(3) A lease granted under subsection (1) (a) may not have a term that, together with the term of any further lease which may be granted pursuant to an option contained in the lease, exceeds 15 years.

(4) In this section, “easement” includes an easement in favour of—

(a) the Crown in right of the State or the Commonwealth; or

(b) any public or local authority constituted by an Act of Parliament, without a dominant tenement.

PART 5

PLAN OF MANAGEMENT FOR TRUST LANDS

Preparation of plan of management

13. (1) The Trust shall, in accordance with any directions of the Minister, cause a plan of management to be prepared for the trust lands.

(2) The plan of management shall contain a detailed written scheme of the operations proposed to be undertaken in or in relation to the trust lands.

Adoption etc. of plan of management

14. (1) When the plan of management has been prepared, the Trust—

(a) shall refer the plan to the Minister; and

(b) may, with the approval of the Minister, refer a copy of the plan to any other person.

(2) The Minister may—

(a) adopt the plan of management, without alteration or with such alterations as the Minister thinks fit; or

(b) refer it back to the Trust for further consideration.

Amendment or cancellation of plan of management

15. (1) The Trust may, in accordance with any directions of the Minister—

(a) amend the plan of management from time to time; or

(b) cancel the plan of management and substitute a new plan.

(2) Sections 13 and 14 apply to an amendment of the plan of management or the substitution of the plan of management in the same way as they apply to the preparation of the plan of management.

Carrying out of plan of management

16. (1) A plan of management adopted by the Minister shall be carried out and given effect to by the Trust.

(2) Nothing in this Part affects the operation of the Local Government Act 1919 or the Environmental Planning and Assessment Act 1979.

PART 6
ADMINISTRATION

Committees

17. (1) The Trust may establish committees to assist it in connection with the exercise of any of its functions.

(2) It does not matter that any or all of the members of a committee are not trustees.

(3) The Manager is an ex officio member of each committee of the Trust.

(4) The procedure for the calling of meetings of a committee and for the conduct of business at those meetings shall, subject to the regulations, be as determined by the Trust or (subject to any determination of the Trust) by the committee.

Staff of the Trust

18. (1) For the purposes of this Act—

(a) a Manager of Bicentennial Park; and

(b) such other persons as may be necessary to enable the Trust to exercise its functions,

shall be employed under the Public Service Act 1979.

(2) The Trust may—

(a) with the approval of the Minister; and

(b) on such terms and conditions as may be approved by the Public Service Board,

arrange for the use of the services of any staff or facilities of a government department, administrative office or public authority.

(3) For the purposes of this Act, a person who is employed for the purposes of subsection (1) or whose services are made use of under subsection (2) is an officer of the Trust.

The Manager

19. (1) The Manager is responsible for the administration and management of the trust lands and any services provided in conjunction with the trust lands.

(2) The Manager is, in the exercise of the Manager's functions under this Act, subject to the control and direction of the Trust.

(3) The Manager shall act as secretary to the Trust.

Delegation by the Trust

20. (1) The Trust may delegate to a trustee, to a committee of the Trust or to the Manager or any other officer of the Trust the exercise of any of its functions, other than this power of delegation.

(2) A delegation—

(a) shall be in writing;

(b) may be general or limited; and

(c) may be revoked, wholly or partly, by the Trust.

(3) A delegate is, in the exercise of a delegated function, subject to such conditions as are specified in the instrument of delegation.

(4) A delegated function, when exercised by the delegate, shall be deemed to have been exercised by the Trust.

(5) A delegation does not prevent the exercise of a function by the Trust.

(6) A function purporting to have been exercised by a delegate shall, until the contrary is proved, be deemed to have been duly exercised by a delegate under this section.

PART 7

MISCELLANEOUS

Financial year of the Trust

21. The financial year of the Trust shall be the year commencing 1 July.

Liability of vehicle owner for parking offences

22. (1) If a parking offence occurs in relation to any vehicle, the person who at the time of the occurrence of the offence is the owner of the vehicle shall, by virtue of this section, be guilty of an offence against the regulation concerned as if the person were the actual offender guilty of the parking offence unless—

- (a) in any case where the offence is dealt with under section 23, the person satisfies a prescribed officer described in the notice served under that section that the vehicle was at the relevant time a stolen vehicle or a vehicle illegally taken or used; or
- (b) in any other case, the court is satisfied that the vehicle was at the relevant time a stolen vehicle or a vehicle illegally taken or used.

(2) Nothing in this section affects the liability of the actual offender but where a penalty has been imposed on or recovered from any person in relation to a parking offence no further penalty shall be imposed on or recovered from any other person in relation to that offence.

(3) Notwithstanding subsection (1), an owner of a vehicle is not, by virtue of that subsection, guilty of an offence if—

- (a) in any case where the offence is dealt with under section 23, the person—
 - (i) within 21 days after service on the person of a notice under that section alleging that the person is guilty of the offence, supplies by statutory declaration to a prescribed officer described in the notice the name and address of the person who was in charge of the vehicle at all relevant times relating to the offence; or
 - (ii) satisfies that prescribed officer that the person did not know and could not with reasonable diligence have ascertained that name and address; or
- (b) in any other case, the person—
 - (i) within 21 days after service on the person of a summons in respect of the offence, supplies by statutory declaration to the informant the name and address of the person who was in charge of the vehicle at all relevant times relating to the offence; or
 - (ii) satisfies the court that the person did not know and could not with reasonable diligence have ascertained that name and address.

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(4) A statutory declaration under subsection (3) if produced in any proceedings against the person named in it and in relation to the offence in respect of which the statutory declaration was supplied is evidence that that person was in charge of the vehicle at all relevant times relating to that offence.

(5) A statutory declaration which relates to more than one offence shall be deemed not to be a statutory declaration under, or for the purposes of, subsection (3).

(6) In this section—

“owner”, in relation to a vehicle, being a registered vehicle, includes—

- (a) every person who is the owner or joint owner or part owner of the vehicle and any person who has the use of the vehicle under a hire-purchase agreement but not the lessor under any such agreement;
- (b) the person in whose name the vehicle is registered except where that person has sold or otherwise disposed of the vehicle and has complied with the provisions of the regulations under the Motor Traffic Act 1909 applicable to the person in regard to that sale or disposal;
- (c) in the case of a vehicle to which a trader’s plate is affixed, the person to whom that trader’s plate is on issue; and
- (d) a person who, pursuant to the regulations under the Motor Traffic Act 1909, is to be treated as being, for the purposes of section 18A of that Act, the owner of the vehicle;

“parking offence” means any offence of parking a vehicle in contravention of the regulations;

“registered” means registered under the Motor Traffic Act 1909;

“trader’s plate” means a trader’s plate issued under the Motor Traffic Act 1909 for use as prescribed by the regulations under that Act.

Penalty notices for offences against regulations

23. (1) If it appears to a prescribed officer that any person has committed, or by virtue of section 22 is guilty of, any offence against a regulation, the officer may serve a notice on that person to the effect that, if that person does not desire to have the matter determined by a court, that person may pay to the Manager, within a time specified in the notice, an amount of penalty prescribed by the regulations for the offence if dealt with under this section.

(2) Any such notice—

- (a) may be served personally or by post; or
- (b) if it relates to an offence of which the owner of a vehicle is guilty by virtue of section 22, may be addressed to the owner without naming the owner or stating the address of the owner and may be served by leaving it on or attaching it to the vehicle.

(3) Any person alleged to have committed or to be guilty of an offence to which subsection (1) applies has the right to decline to be dealt with under this section.

(4) Any person who fails to pay the penalty within the time specified in the notice or within such further time as may in any particular case be allowed shall be deemed to have declined to be dealt with under this section.

(5) If the amount of any penalty prescribed for an alleged offence is paid in accordance with this section, no person is liable to any further proceedings for the alleged offence.

(6) Payment of a penalty in accordance with this section shall not be regarded as an admission of liability for the purpose of nor in any way affect or prejudice any civil claim, action or proceeding arising out of the same occurrence.

(7) The provisions of this section shall be construed as supplementing, and not as derogating from, any other provision of this Act or the regulations or any other Act in relation to proceedings which may be taken in respect of offences.

Proof of certain matters not required

24. In any legal proceedings, proof is not required (until evidence is given to the contrary) of—

- (a) the constitution of the Trust;
- (b) any resolution of the Trust;

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- (c) the appointment of, or the holding of office by, any trustee; or
- (d) the presence of a quorum at any meeting of the Trust.

Proceedings for offences

25. Proceedings for an offence against this Act or the regulations shall be dealt with summarily before a Local Court constituted by a Magistrate sitting alone.

Regulations

26. (1) The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act and, in particular, for or with respect to—

- (a) the use and enjoyment of the trust lands;
 - (b) the care, control and management of the trust lands;
 - (c) the determination and payment of fees for—
 - (i) the use of recreation areas in the trust lands;
 - (ii) the use of roadways or other areas within the trust lands for organised activities;
 - (iii) filming or photographing within the trust lands for the purpose of cinema or television productions or for commercial purposes;
 - (iv) the use or purchase of any written or other material that is the property of the Trust; and
 - (v) such other items or services as the Trust may provide;
 - (d) the meetings of the Trust;
 - (e) the committees of the Trust; and
 - (f) the use and custody of the seal of the Trust.
- (2) A regulation may create an offence punishable by a penalty not exceeding \$200.
- (3) A provision of a regulation may—
- (a) apply generally or be limited in its application by reference to specified exceptions or factors;
 - (b) apply differently according to different factors of a specified kind; or

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(c) authorise any matter or thing to be from time to time determined, applied or regulated by a specified person or body,
or may do any combination of those things.

(4) In this section, a reference to the trust lands includes a reference to any part of the trust lands.

Amendment of Justices Act 1902 and Public Finance and Audit Act 1983

27. (1) The Justices Act 1902 is amended by inserting (in alphabetical order) in the statutory provisions listed in paragraph (a) of the definition of "penalty notice" in section 100i (1) the following matter:

Bicentennial Park Trust Act 1987, section 23;

(2) The Public Finance and Audit Act 1983 is amended by inserting in Schedule 2 (in alphabetical order) the words "Bicentennial Park Trust."

SCHEDULE 1

(Sec. 8)

LAND VESTED IN THE TRUST**PART 1—Description of principal trust lands**

All those pieces or parcels of land situated in the Municipalities of Strathfield, Auburn and Concord, Parish of Concord and County of Cumberland, being lot 1 Deposited Plan 740598, lot 1 Deposited Plan 740599 and lots 2, 6, 7 and 10 Deposited Plan 740600, and having a total area of 100.4 hectares or thereabouts.

PART 2—Leases, interests etc. not affected by vesting

SCHEDULE 2

(Sec. 5 (2))

PROVISIONS RELATING TO THE TRUSTEES**Age of trustee**

1. A person who is of or above the age of 70 years is not eligible to be appointed as a trustee.

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SCHEDULE 2—*continued*PROVISIONS RELATING TO THE TRUSTEES—*continued***Chairperson of the Trust**

2. (1) Of the trustees, one shall, in and by the relevant instrument of appointment as a trustee or by another instrument executed by the Governor, be appointed as Chairperson of the Trust.

(2) The Governor may remove a trustee from the office of Chairperson.

(3) The Chairperson shall be deemed to have vacated the office of Chairperson if the Chairperson—

(a) is removed from that office by the Governor under subclause (2);

(b) resigns that office by instrument in writing addressed to the Minister; or

(c) ceases to be a trustee.

(4) The Chairperson may be referred to as the Chairman or Chairwoman.

Acting trustees and acting Chairperson

3. (1) The Minister may, from time to time, appoint a person to act in the office of a trustee during the illness or absence of the trustee, and the person, while so acting, shall have and may exercise all the functions of the trustee and shall be deemed to be a trustee.

(2) The Minister may, from time to time, appoint a trustee to act in the office of Chairperson during the illness or absence of the Chairperson, and the trustee, while so acting, shall have and may exercise all the functions of the Chairperson and shall be deemed to be the Chairperson.

(3) The Minister may remove any person from any office to which the person was appointed under this clause.

(4) A person while acting in the office of a trustee is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of the person.

(5) For the purposes of this clause, a vacancy in the office of a trustee or the Chairperson shall be deemed to be an absence from office of the trustee or Chairperson, as the case may be.

Term of office

4. Subject to this Schedule, a trustee shall hold office for such period, not exceeding 4 years, as may be specified in the instrument of appointment of the trustee, but is eligible (if otherwise qualified) for re-appointment.

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SCHEDULE 2—*continued*PROVISIONS RELATING TO THE TRUSTEES—*continued***Remuneration**

5. (1) A trustee is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of the trustee.

(2) In this clause—

“trustee” includes any member of a committee of the Trust.

Filling of vacancy in office of trustee

6. If the office of any trustee becomes vacant, a person shall, subject to this Act, be appointed to fill the vacancy.

Casual vacancies

7. (1) A trustee shall be deemed to have vacated office if the trustee—

(a) dies;

(b) absents himself or herself from 3 consecutive meetings of the Trust of which reasonable notice has been given to the trustee personally or in the ordinary course of post, except on leave granted by the Trust or unless, before the expiration of 6 weeks after the last of those meetings, the trustee is excused by the Trust for being absent from those meetings;

(c) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit;

(d) becomes a temporary patient or a continued treatment patient within the meaning of the Mental Health Act 1958, a forensic patient within the meaning of the Mental Health Act 1983 or a protected person within the meaning of the Protected Estates Act 1983;

(e) is convicted in New South Wales of an offence which is punishable by imprisonment or penal servitude for 12 months or upwards or is convicted elsewhere than in New South Wales of an offence which if committed in New South Wales would be an offence so punishable;

(f) resigns the office by instrument in writing addressed to the Minister;

(g) reaches the age of 70 years; or

(h) is removed from office by the Governor under subclause (2) or (3).

(2) The Governor may remove a trustee from office.

(3) Without limiting the generality of subclause (2), the Governor may remove from office a trustee who contravenes the provisions of clause 8.

*Bicentennial Park Trust 1987*SCHEDULE 2—*continued*PROVISIONS RELATING TO THE TRUSTEES—*continued***Disclosure of pecuniary interests**

8. (1) A trustee who has a direct or indirect pecuniary interest—

- (a) in a matter that is being considered, or is about to be considered, at a meeting of the Trust; or
- (b) in a thing being done or about to be done by the Trust,

shall, as soon as possible after the relevant facts have come to the trustee's knowledge, disclose the nature of the interest at a meeting of the Trust.

(2) A disclosure by a trustee at a meeting of the Trust that the trustee—

- (a) is a member, or is in the employment, of a specified company or other body;
- (b) is a partner, or is in the employment, of a specified person; or
- (c) has some other specified interest relating to a specified company or other body or a specified person,

shall be deemed to be a sufficient disclosure of the nature of the interest in any matter or thing relating to that company or other body or to that person which may arise after the date of the disclosure.

(3) The Trust shall cause particulars of any disclosure made under subclause (1) or (2) to be recorded in a book kept for the purpose and that book shall be open at all reasonable hours to the inspection of any person on payment of such fee as may be determined by the Trust from time to time.

(4) After a trustee has, or is deemed to have, disclosed the nature of an interest in any matter or thing pursuant to subclause (1) or (2), the trustee shall not, unless the Minister otherwise determines—

- (a) be present during any deliberation of the Trust, or take part in any decision of the Trust, with respect to that matter; or
- (b) exercise any functions under this Act with respect to that thing,

as the case requires.

(5) Notwithstanding that a trustee contravenes the provisions of this clause, that contravention does not invalidate any decision of the Trust or the exercise of any function under this Act.

(6) A reference in this clause to a meeting of the Trust includes a reference to a meeting of a committee of the Trust.

Effect of certain other Acts

9. (1) The Public Service Act 1979 does not apply to or in respect of the appointment of a trustee and a trustee is not, as a trustee, subject to that Act.

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SCHEDULE 2—*continued*PROVISIONS RELATING TO THE TRUSTEES—*continued*

(2) If by or under any other Act provision is made—

- (a) requiring a person who is the holder of a specified office to devote the whole of his or her time to the duties of that office; or
- (b) prohibiting the person from engaging in employment outside the duties of that office,

that provision does not operate to disqualify the person from holding that office and also the office of a trustee or from accepting and retaining any remuneration payable to the person under this Act as a trustee.

(3) The office of a trustee shall for the purposes of any Act be deemed not to be an office or place of profit under the Crown.

Liability of trustees etc.

10. No matter or thing done by the Trust, any trustee or any person acting under the direction of the Trust shall, if the matter or thing was done in good faith for the purposes of executing this or any other Act, subject a trustee or a person so acting personally to any action, liability, claim or demand.

SCHEDULE 3

(Sec. 5 (3))

PROVISIONS RELATING TO THE PROCEDURE OF THE TRUST

General procedure

1. The procedure for the calling of meetings of the Trust and for the conduct of business at those meetings shall, subject to this Act, be as determined by the Trust.

Quorum

2. The quorum for a meeting of the Trust is 4 trustees.

Presiding trustee

3. (1) The Chairperson of the Trust or, in the absence of the Chairperson, another trustee elected to chair the meeting by the trustees present shall preside at a meeting of the Trust.

(2) The person presiding at any meeting of the Trust has a deliberative vote and, in the event of an equality of votes, has a second or casting vote.

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SCHEDULE 3—*continued*

PROVISIONS RELATING TO THE PROCEDURE OF THE TRUST—*continued*

Voting

4. A decision supported by a majority of the votes cast at a meeting of the Trust at which a quorum is present shall be the decision of the Trust.

Minutes

5. The Trust shall cause full and accurate minutes to be kept of the proceedings of each meeting of the Trust.

The Manager

6. The Manager is entitled to be heard by the Trust on any matter considered by the Trust and, unless the Trust otherwise directs, is entitled to be present at each meeting of the Trust.

First meeting of the Trust

7. The Minister shall call the first meeting of the Trust in such manner as the Minister thinks fit.



