

FIRST PRINT

**ROYAL BOTANIC GARDENS AND DOMAIN TRUST  
(AMENDMENT) BILL, 1985**

---

**EXPLANATORY NOTE**

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

The object of this Bill is to amend the Royal Botanic Gardens and Domain Trust Act, 1980 ("the Act"), so as —

- (a) to vest certain parcels of land (including the land upon which Hospital Road is situated) in the Royal Botanic Gardens and Domain Trust ("the Trust"), being in each case a parcel which adjoins the land already vested in the Trust and known as the Domain (Schedule 1 (3));
  - (b) to empower the Governor-in-Council to amend Schedule 2 to the Act by proclamation for the purpose of adding to the land vested in the Trust which may not be appropriated or resumed except by the enactment of an Act of Parliament (Schedule 1 (1) (a)—proposed section 19 (1B)); and
  - (c) to make other provisions of an ancillary or consequential nature.
-

0131-7111

111

111

**ROYAL BOTANIC GARDENS AND DOMAIN TRUST  
(AMENDMENT) BILL, 1985**

No.       , 1985.

---

---

**A BILL FOR**

An Act to amend the Royal Botanic Gardens and Domain Trust Act, 1980,  
so as to vest, and provide for the future vesting of, certain land in the  
Trust constituted by that Act; and for other purposes.

---

---

*Royal Botanic Gardens and Domain Trust (Amendment) 1985*

---

**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 "Royal Botanic Gardens and Domain Trust (Amendment) Act, 1985".

**Commencement.**

**2. (1)** Sections 1 and 2 shall commence on the date of assent to this  
10 Act.

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

**Amendment of Act No. 19, 1980.**

15 **3.** The Royal Botanic Gardens and Domain Trust Act, 1980, is amended in the manner set forth in Schedule 1.

---

SCHEDULE 1.

(Sec. 3.)

AMENDMENTS TO THE ROYAL BOTANIC GARDENS AND DOMAIN TRUST  
20 ACT, 1980.

(1) (a) Section 19 (1)–(1B)—

Omit section 19 (1), insert instead:—

(1) The land described in Parts 1, 2 and 3 of Schedule 2 shall vest in the Trust for an estate in fee simple.

*Royal Botanic Gardens and Domain Trust (Amendment) 1985*SCHEDULE 1—*continued.*AMENDMENTS TO THE ROYAL BOTANIC GARDENS AND DOMAIN TRUST  
ACT, 1980—*continued.*

- 5 (1A) Land described in Part 1, 2 or 3 of Schedule 2 is freed and discharged from any trusts, obligations, estates, interests, charges and rates which existed in respect of the land immediately before a description of the land was first inserted in that Schedule.
- 10 (1B) The Governor may, by proclamation published in the Gazette, amend Schedule 2 for the purpose of adding—
- (a) Crown lands, within the meaning of the Crown Lands Consolidation Act, 1913, or other land of the Crown; or
- 15 (b) Trust lands which are not described in Part 1, 2 or 3 of that Schedule,
- to the land for the time being described in Part 1, 2 or 3 of that Schedule.
- (b) Section 19 (3)—  
Omit “subsection (1)”, insert instead “this section”.
- 20 (c) Section 19 (4)—  
Omit “(1), the land described in”, insert instead “(1A), the land described in items 1 and 2 of”.
- (d) Section 19 (5), (6)—  
After section 19 (4), insert:—
- 25 (5) Notwithstanding subsection (1A), land (in this subsection referred to as “proclaimed land”) added to the land described in Part 1, 2 or 3 of Schedule 2 by a proclamation published under subsection (1B) shall vest in the Trust subject to such trusts, obligations, estates, interests, charges and rates, if any, as are declared in the proclamation to be applicable to
- 30 or in respect of the proclaimed land.



*Royal Botanic Gardens and Domain Trust (Amendment) 1985*

---

SCHEDULE 1—*continued.*

AMENDMENTS TO THE ROYAL BOTANIC GARDENS AND DOMAIN TRUST  
ACT, 1980—*continued.*

5 (6) Subsection (1A) does not affect any condition agreed to by the Trust under section 8 (3) in relation to any land to which subsection (1A) applies.

(2) Section 20 (2) (b) (ii)—

After “lands”, insert “or to other places situated within or adjacent to those lands”.

10 (3) (a) Schedule 2, Part 2—

Omit “32, 33 and 34”, insert instead “30, 32, 33, 34 and 35”.

(b) Schedule 2, Part 2—

15 Omit “and lot 23 in Deposited Plan 39534”, insert instead “, lot 23 in Deposited Plan 39534, lot 51 in Deposited Plan 47732 and lot 3 in Deposited Plan 564423”.

(4) Schedule 3, clause 2 (2) (c)—

After “described in”, insert “items 1 and 2 of”.







**ROYAL BOTANIC GARDENS AND DOMAIN TRUST  
(AMENDMENT) ACT, 1985, No. 3**

**New South Wales**



ANNO TRICESIMO QUARTO

**ELIZABETHÆ II REGINÆ**

\*\*\*\*\*

**Act No. 3, 1985.**

An Act to amend the Royal Botanic Gardens and Domain Trust Act, 1980, so as to vest, and provide for the future vesting of, certain land in the Trust constituted by that Act; and for other purposes. [Assented to, 19th March, 1985.]

*Royal Botanic Gardens and Domain Trust (Amendment) 1985*

**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 "Royal Botanic Gardens and Domain Trust (Amendment) Act, 1985".

**Commencement.**

2. (1) Sections 1 and 2 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 in respect thereof and as may be notified by proclamation published in the Gazette.

**Amendment of Act No. 19, 1980.**

3. The Royal Botanic Gardens and Domain Trust Act, 1980, is amended in the manner set forth in Schedule 1.

---

**SCHEDULE 1.**

(Sec. 3.)

**AMENDMENTS TO THE ROYAL BOTANIC GARDENS AND DOMAIN TRUST  
ACT, 1980.**

(1) (a) Section 19 (1)–(1B)—

Omit section 19 (1), insert instead:—

(1) The land described in Parts 1, 2 and 3 of Schedule 2 shall vest in the Trust for an estate in fee simple.

*Royal Botanic Gardens and Domain Trust (Amendment) 1985*

---

SCHEDULE 1—*continued.*

AMENDMENTS TO THE ROYAL BOTANIC GARDENS AND DOMAIN TRUST  
ACT, 1980—*continued.*

(1A) Land described in Part 1, 2 or 3 of Schedule 2 is freed and discharged from any trusts, obligations, estates, interests, charges and rates which existed in respect of the land immediately before a description of the land was first inserted in that Schedule.

(1B) The Governor may, by proclamation published in the Gazette, amend Schedule 2 for the purpose of adding—

- (a) Crown lands, within the meaning of the Crown Lands Consolidation Act, 1913, or other land of the Crown;  
or
- (b) Trust lands which are not described in Part 1, 2 or 3 of that Schedule,

to the land for the time being described in Part 1, 2 or 3 of that Schedule.

(b) Section 19 (3)—

Omit “subsection (1)”, insert instead “this section”.

(c) Section 19 (4)—

Omit “(1), the land described in”, insert instead “(1A), the land described in items 1 and 2 of”.

(d) Section 19 (5), (6)—

After section 19 (4), insert:—

(5) Notwithstanding subsection (1A), land (in this subsection referred to as “proclaimed land”) added to the land described in Part 1, 2 or 3 of Schedule 2 by a proclamation published under subsection (1B) shall vest in the Trust subject to such trusts, obligations, estates, interests, charges and rates, if any, as are declared in the proclamation to be applicable to or in respect of the proclaimed land.

*Royal Botanic Gardens and Domain Trust (Amendment) 1985*

---

SCHEDULE 1—*continued.*

AMENDMENTS TO THE ROYAL BOTANIC GARDENS AND DOMAIN TRUST  
ACT, 1980—*continued.*

(6) Subsection (1A) does not affect any condition agreed to by the Trust under section 8 (3) in relation to any land to which subsection (1A) applies.

(2) Section 20 (2) (b) (ii)—

After “lands”, insert “or to other places situated within or adjacent to those lands”.

(3) (a) Schedule 2, Part 2—

Omit “32, 33 and 34”, insert instead “30, 32, 33, 34 and 35”.

(b) Schedule 2, Part 2—

Omit “and lot 23 in Deposited Plan 39534”, insert instead “, lot 23 in Deposited Plan 39534, lot 51 in Deposited Plan 47732 and lot 3 in Deposited Plan 564423”.

(4) Schedule 3, clause 2 (2) (c)—

After “described in”, insert “items 1 and 2 of”.

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

J. A. ROWLAND,  
*Governor.*

*Government House,  
Sydney, 19th March, 1985.*