

FIRST PRINT

CENTENNIAL PARK TRUST (AMENDMENT) BILL 1991

NEW SOUTH WALES



EXPLANATORY NOTE

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

The objects of this Bill are:

- (a) to amalgamate Centennial Park, Moore Park and the E.S. Marks Field; and
- (b) to provide for the administration of the new park by the present Centennial Park Trust under the new name of "Centennial Park and Moore Park Trust" ("the Trust"); and
- (c) to provide for a plan of management for the amalgamated park; and
- (d) to extend from 8 years to 20 years the maximum term for which a lease of land in the amalgamated park may be granted.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the commencement of the proposed Act.

Clause 3 is a formal provision that gives effect to the Schedules of amendments.

SCHEDULE 1—AMENDMENTS RELATING TO VESTING OF MOORE PARK AND E.S. MARKS FIELD

Schedule 1 (1) and (4) make amendments consequential on the change of name of the Centennial Park Trust to "Centennial Park and Moore Park Trust".

Schedule 1 (2) omits the provision setting out the arrangement of the Principal Act. A Table of Provisions is provided instead.

Schedule 1 (3) makes a consequential amendment to existing definitions.

Schedule 1 (5) provides for the vesting in the Trust of the land comprising Moore Park and the E.S. Marks Field that is to be amalgamated with the Centennial Park land.

Schedule 1 (6) extends from 8 years to 20 years the maximum term for which a lease of the Trust lands may be granted.

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Schedule 1 (7) extends the Schedule of savings and transitional provisions in the Principal Act by inserting provisions applicable to the amalgamated park.

Schedule 1 (8) inserts a description of the land that is to be amalgamated with the Centennial Park land.

**SCHEDULE 2—AMENDMENTS RELATING TO PLANS OF
MANAGEMENT**

Schedule 2 (1) inserts a definition of “plan of management”.

Schedule 2 (2) inserts a new Part 2A which relates to the preparation and adoption of a plan of management for the amalgamated park. The new Part contains the following proposed sections:

Section 12A requires the Trust to prepare for consideration by the Minister an initial plan of management for the new park and, if directed to do so by the Minister, an amendment of the existing plan or a new plan.

Section 12B enables the Minister to adopt proposals submitted by the Trust in relation to the plan of management, with or without alterations, or to refer the proposals back to the Trust for further consideration.

Section 12C requires the Trust to give effect to the adopted plan of management.

Section 12D preserves the operation of the Local Government Act 1919 and the Environmental Planning and Assessment Act 1979 in relation to plans of management.

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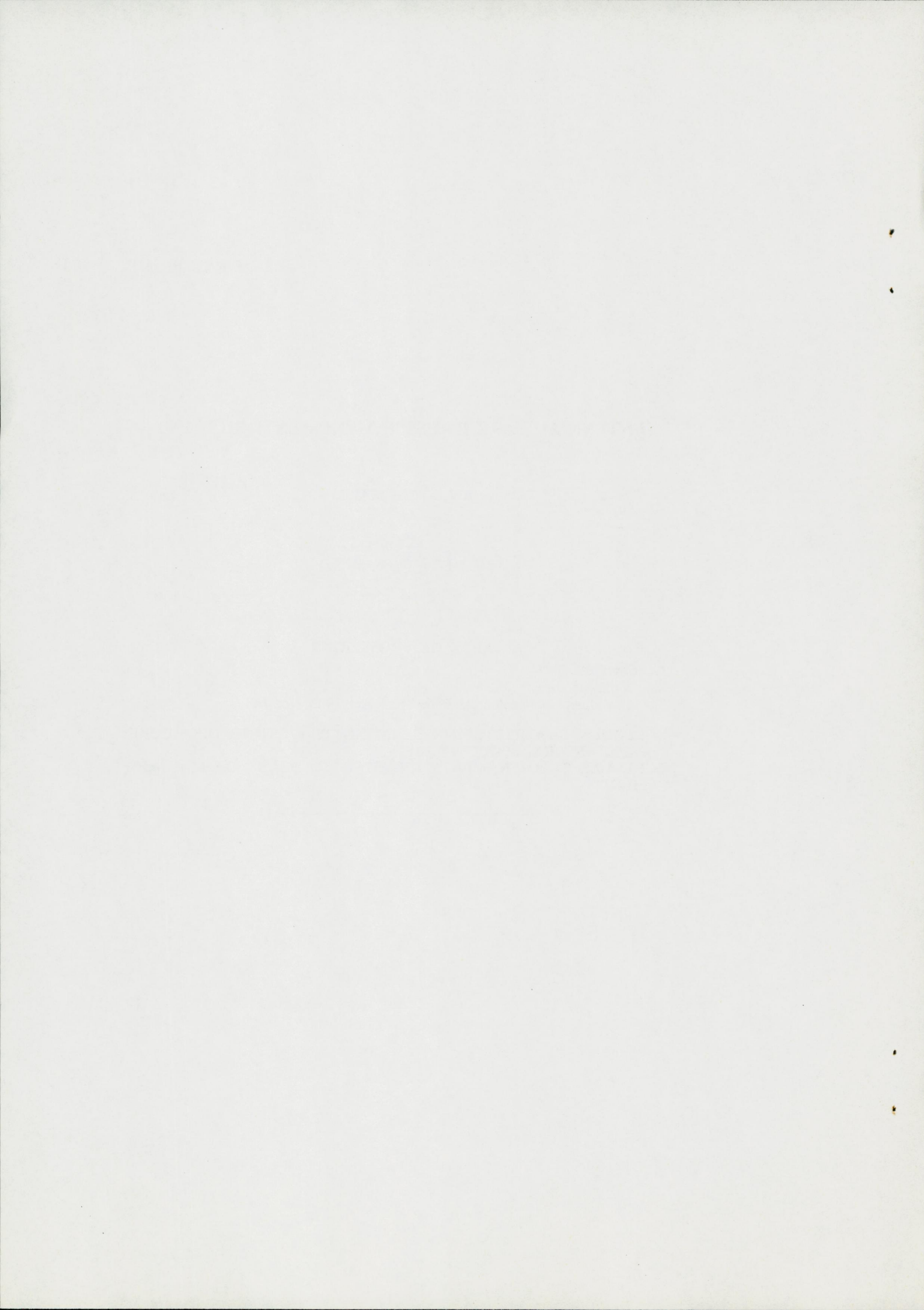


TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Centennial Park Trust Act 1983 No. 145

SCHEDULE 1—AMENDMENTS RELATING TO VESTING OF MOORE
PARK AND E.S. MARKS FIELD

SCHEDULE 2—AMENDMENTS RELATING TO PLANS OF MANAGE-
MENT



CENTENNIAL PARK TRUST (AMENDMENT) BILL 1991

NEW SOUTH WALES



No. , 1991

A BILL FOR

An Act to amend the Centennial Park Trust Act 1983 in order to bring Moore Park and the E.S. Marks Field within the administration of the Centennial Park Trust; to change the name of that Trust; and for other purposes.

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The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Centennial Park Trust (Amendment) Act 1991.

Commencement

2. This Act commences on a day or days to be appointed by proclamation.

Amendment of Centennial Park Trust Act 1983 No. 145

3. The Centennial Park Trust Act 1983 is amended as set out in Schedules 1 and 2.

**SCHEDULE 1—AMENDMENTS RELATING TO VESTING OF
MOORE PARK AND E.S. MARKS FIELD**

(Sec. 3)

- (1) Long title and sections 1, 4 (1), 6 (1) and 13 (a):
After "Centennial Park" wherever occurring, insert "and Moore Park".
- (2) Section 3 (**Arrangement**):
Omit the section.
- (3) Section 4 (**Definitions**):
From the definitions of "original land" and "supplementary land" in section 4 (1), omit "(1)" wherever occurring.
- (4) Part 2, heading:
Omit the heading, insert instead:

**PART 2—THE CENTENNIAL PARK AND MOORE
PARK TRUST**

- (5) Section 19 (**Vesting of certain land in Trust**):
After section 19 (1), insert:
(1A) The land described in Schedule 3 is by this Act vested in the Trust for an estate in fee simple.

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SCHEDULE 1—AMENDMENTS RELATING TO VESTING OF
MOORE PARK AND E.S. MARKS FIELD—*continued*

- (6) Section 20 (Grant of leases, easements and licences):
From section 20 (3), omit “8”, insert instead “20”.
- (7) Schedule 2 (Transitional and Other Provisions):
(a) Before clause 1, insert:

PART 1—CENTENNIAL PARK

- (b) From clause 1, omit “Schedule” where firstly occurring, insert instead “Part”.
- (c) From the definition of “commencement” in clause 1, omit “this Schedule”, insert instead “section 27”.
- (d) At the end of the Schedule, insert:

**PART 2—CENTENNIAL PARK, MOORE PARK AND
E.S. MARKS FIELD**

Definitions

5. In this Part:

“appointed day” means the day on which Schedule 1 (5) to the Centennial Park Trust (Amendment) Act 1991 commences;

“former trustees” means:

- (a) the Trust in its capacity immediately before the appointed day as the reserve trust under the Crown Lands Act 1989 for the area that is described in Part 1 of Schedule 3 and is generally known as Moore Park; and
- (b) the administrator holding office under the Crown Lands Act 1989 immediately before the appointed day for the area that is described in Part 2 of Schedule 3 and is generally known as the E.S. Marks Field.

Continuity of corporation and cessation of administration

6. (1) The corporation named “Centennial Park and Moore Park Trust” by section 6 on the appointed day is a continuation of, and the same legal entity as, the corporation that, by that section as in force immediately before the appointed day, was named “Centennial Park Trust”.

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**SCHEDULE 1—AMENDMENTS RELATING TO VESTING OF
MOORE PARK AND E.S. MARKS FIELD—*continued***

(2) The administrator for the E.S. Marks Field holding office immediately before the appointed day does not continue in office on and after that day.

(3) A reference in any other Act or in any other document to the Centennial Park Trust or to a trustee or administrator of the E.S. Marks Field is to be read on and after the appointed day as a reference to the Centennial Park and Moore Park Trust.

Saving relating to leases etc.

7. (1) The vesting of land effected by section 19 (1A) does not operate:

- (a) to free the land from any lease, easement or licence to which it was subject immediately before the appointed day; or
- (b) to vest in the Trust any pipeline, cable or related apparatus that is for the conveyance of gas, electricity, water or drainage and was lawfully situated on the land immediately before the appointed day.

(2) A reservation or dedication that is in force immediately before the appointed day and affects the land described in Schedule 3 is revoked on that day.

(3) A reservation or dedication that:

- (a) affects so much of the land of the former trustees as is not land described in Schedule 3; and
- (b) is in force immediately before an order published under clause 10 takes effect in relation to the land so affected,

is revoked when the order takes effect.

Trust to be lessor under certain Special Lease

8. On the appointed day, the estate and interest of the lessor under Special Lease 1960277 Metropolitan over Portion 1605 (being Computer Folio 1605/752011) is by this Act assigned to the Trust.

Conditions affecting property of former trustees

9. If, immediately before the appointed day, property of either of the former trustees is subject to a condition that has

Centennial Park Trust (Amendment) 1991

SCHEDULE 1—AMENDMENTS RELATING TO VESTING OF
MOORE PARK AND E.S. MARKS FIELD—*continued*

been agreed to by the former trustee in accordance with law and is not inconsistent with its objects, the property continues to be subject to the condition on and after that day.

Arrangements for the division of assets and liabilities

10. (1) The Governor may, by order published in the Gazette, determine the extent to which, and any conditions subject to which:

- (a) property of the former trustees (other than the land described in Schedule 3); and
- (b) rights and liabilities of the former trustees,

are to be property, rights and liabilities of the Trust, the Crown or a specified statutory body.

(2) An order published under this clause takes effect:

- (a) if it is published on the appointed day—on that day, unless paragraph (c) applies; or
- (b) if it is published after the appointed day—on the day of its publication, unless paragraph (c) applies; or
- (c) if in either case a later day is specified in the order for it to take effect—on the specified day.

(3) More than one order may be made under this clause and such an order has the force of law during its currency.

PART 3—REGULATIONS

Regulations

11. (1) The regulations may include provisions of a savings or transitional nature consequent on the enactment of the Centennial Park Trust (Amendment) Act 1991.

(2) A provision referred to in subclause (1) may, if the regulations so provide, take effect from the date of assent to the Centennial Park Trust (Amendment) Act 1991 or a later date.

(3) To the extent that a provision referred to in subclause (1) takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate:

- (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State) the rights of that person existing before that date of publication; or

Centennial Park Trust (Amendment) 1991

**SCHEDULE 1—AMENDMENTS RELATING TO VESTING OF
MOORE PARK AND E.S. MARKS FIELD—*continued***

- (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before that date of publication.

(8) Schedule 3:

After Schedule 2, insert:

**SCHEDULE 3—MOORE PARK AND E.S. MARKS
FIELD**

(Sec. 19 (1A))

Part 1—Moore Park

Lots 1759, 1760, 1761, 1762, 1763, 1766, 1769, 1770,
1771, 1772, 1774, 1775, 1781, 1785 and 1786 in Deposited
Plan 821362.

Part 2—E.S. Marks Field

Lots 1776, 1777, 1778, 1779, 1780, 1782, 1783 and 1784
in Deposited Plan 821362.

**SCHEDULE 2—AMENDMENTS RELATING TO PLANS OF
MANAGEMENT**

(Sec. 3)

(1) Section 4 (**Definitions**):

After the definition of "original land" in section 4 (1), insert:

"plan of management" means a detailed scheme of operations to be undertaken in relation to the land vested in the Trust;

(2) Part 2A:

After Part 2, insert:

PART 2A—PLANS OF MANAGEMENT

Preparation of initial and subsequent plans of management

12A. (1) In accordance with directions given by the Minister, and within a time specified by the Minister, the

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SCHEDULE 2—AMENDMENTS RELATING TO PLANS OF
MANAGEMENT—*continued*

Trust is to prepare and submit to the Minister for consideration a proposed initial plan of management for the Trust lands.

(2) If so directed by the Minister after adoption of an initial or later plan of management in accordance with this Part, the Trust is, within a time specified by the Minister, to prepare and submit to the Minister for consideration proposals for:

- (a) the amendment of the existing plan of management; or
- (b) a new plan of management to be substituted for the existing plan of management,

whether the existing plan is the initial plan or an amended or substituted plan.

Adoption of plan of management

12B. The Minister may:

- (a) adopt, without alteration, proposals submitted under section 12A or alter the proposals and adopt them as altered; or
- (b) return the proposals to the Trust for further consideration.

Carrying out of plan of management

12C. The Trust is to give effect to the plan of management as for the time being adopted by the Minister.

Certain Acts not affected

12D. This Part does not affect the operation of the Local Government Act 1919 or the Environmental Planning and Assessment Act 1979.
