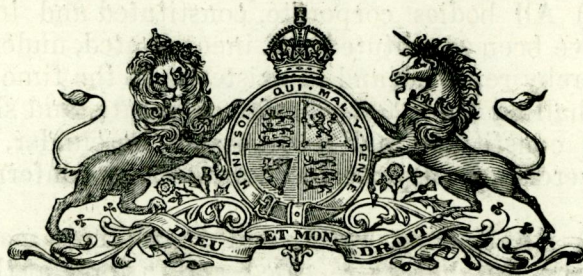


New South Wales.



ANNO TERTIO

GEORGII V REGIS.

Act No. 40, 1912.

An Act to consolidate the enactments for the better regulation and protection of public parks or places of public recreation, and of lands dedicated, purchased, or resumed for public purposes, for bringing certain lands within the operation of such enactments, and for other purposes. [Assented to, 26th November, 1912.]

BE it enacted by the King'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 I.

PRELIMINARY.

1. This Act may be cited as the "Public Parks Act, 1912," Short title, and is divided into Parts as follows :—

PART I.—PRELIMINARY.—ss. 1-3.

PART II.—APPOINTMENT OF TRUSTEES.—ss. 4-6.

PART III.—GENERAL PROVISIONS AND PROCEDURE.—ss. 7-13.

*Public Parks.**Savings.*

2. (1) The Acts specified in the Schedule to this Act to the extent therein expressed, are hereby repealed.

(2) All trustees appointed, or deemed to have been appointed, under the authority of any Act hereby repealed, and holding office at the time of the passing of this Act, shall be deemed to have been appointed hereunder in respect of the lands whereunto they were appointed.

(3) All bodies corporate, constituted and incorporated, or deemed to have been constituted and incorporated, under the authority of any Act hereby repealed, and in existence at the time of the passing of this Act, shall continue to be bodies corporate, and shall be deemed to have been constituted and incorporated hereunder, and shall be capable of exercising all powers and authorities conferred on trustees by this Act.

(4) All by-laws, rules, and regulations made under the authority of any Act hereby repealed, and in force at the time of the passing of this Act, shall be and continue in force hereunder, and shall be deemed to have been made under the authority of this Act.

Interpretation.

No. 40, 1902, s. 3.

3. In this Act, unless the context or subject-matter otherwise indicates or requires,—

“Minister” means the Minister for Lands.

“Trustee” means a trustee in whom any park or place of public recreation, convenience, health, or enjoyment is vested by law.

PART II.

APPOINTMENT OF TRUSTEES.

Appointment of trustees.

Ibid. s. 4.

4. (1) The Governor may appoint trustees of any lands which—

- (a) have been or are hereafter dedicated by proclamation or notification in the Gazette;
- (b) have been or are hereafter purchased for the purposes of public recreation, convenience, health, or enjoyment; or
- (c) have been used by the public with the acquiescence of the Crown for such purposes.

(2) Such trustees and their successors shall be a body corporate.

(3) All bodies corporate constituted and incorporated, or deemed to have been constituted and incorporated, under this Act, shall, under their respective corporate names as the same may have been or may from time to time be prescribed by the Governor, have perpetual succession and a common seal, and may sue and be sued by such names in all courts whatsoever, and shall be capable of holding real and personal property.

Public Parks.

5. (1) The Governor may declare that any land now or here- Resumed lands.
after to be resumed for public parks or grounds for public recreation, No. 40, 1902, s. 9.
or as places for bathing, and vested in the Minister for Public Works
as a corporation sole by virtue of the Act forty-four Victoria number
sixteen, or by virtue of the Public Works Act, 1900, shall be as to the
whole or any portion of such lands subject to the provisions of
this Act.

(2) After the publication of a notification in the Gazette to
that effect, the estate of the said Minister, and all powers, authorities,
and liabilities in connection therewith in such land, shall, upon the
appointment of trustees under this Act, be held by and attach to such
trustees for the purposes mentioned in the Gazette notification in the
same manner and with the same powers and liabilities as if such land
had originally been dedicated under this Act.

6. (1) The Governor may appoint the council of any municipi- Municipal councils
may be trustees.
pality within the limits of which any land— *Ibid.* s. 5.

(a) dedicated or granted under the Public Parks Act of 1854,
or the Act forty-eight Victoria, number twenty-two; or

(b) now or hereafter resumed for a public park or ground for
public recreation under the Act forty-four Victoria number
sixteen, or the Public Works Act, 1900; or

(c) now or hereafter purchased for such purposes, or dedicated
under this Act or the Public Parks Act, 1902,
is situated, to be the trustees of such land in the corporate name of
such council.

(2) Thereupon such council shall be trustees of such land
for all purposes of this Act.

PART III.

GENERAL PROVISIONS AND PROCEDURE.

7. When any trustee not being a member of a municipal Vacancies how
council appointed to execute any trust under this Act, dies or is
absent from the State for more than twelve months, or resigns, or
refuses or becomes incapable to act in the trusts or powers reposed in
him, the Governor may appoint a new trustee in his place.
Ibid. s. 6.

8. Trustees shall, for all purposes of this Act, and of any by-law Estate of trustees.
thereunder, be deemed to hold an estate in fee-simple in the land for *Ibid.* s. 7.
which they were appointed, but shall not be capable of alienating,
charging, or in any way disposing of such land, or any part thereof:

Provided

Public Parks.

Provided that trustees may, with the consent of the Minister, lease or grant grazing or other temporary licenses to occupy or use any portion of such land for such purposes, on such terms and subject to such conditions as the Minister approves.

By-laws.

No. 40, 1902, s. 8.

9 (1) Trustees may make by-laws—

- (a) regulating their meetings and the conduct of business thereat;
- (b) for the protection of shrubs, trees, and herbage growing upon the land vested in them;
- (c) regulating the use and enjoyment of such land; and
- (d) for the removal of trespassers and other persons causing annoyance or inconvenience upon such land.

(2) Trustees may by such by-laws impose a penalty not exceeding ten pounds for any breach thereof.

(3) No such by-law shall be of any force until—

- (a) such by-law has been approved by the Governor;
- (b) a copy thereof has been posted in some conspicuous place on such land; and
- (c) such by-law has been twice published in the Gazette.

Extinguishment of ways, &c.

Ibid. s. 10.

10. (1) The Governor may, by notification in the Gazette, declare that any public highway or thoroughfare, public or private, or right-of-way on over or affecting any land now or hereafter dedicated as a public park or place of public recreation, convenience, health, or enjoyment, or any land purchased for any public purpose or resumed under the Act forty-four Victoria number sixteen or the Public Works Act, 1900, shall be extinguished.

(2) After the publication of such notification in the Gazette, and after the same has been laid before Parliament for a period of thirty days, and has not within such period been disallowed by resolution of either House, such public highway, thoroughfare, or private right-of-way shall be extinguished accordingly.

Aid of police may be called in if necessary.

Ibid., s. 11.

11. The trustees or any ranger or other officer appointed by them may call in the aid of the police for the removal, by force if necessary, of any person who is found committing a breach of any by-law, or who by disorderly or insulting conduct upon or in the immediate neighbourhood of the lands vested in such trustees, causes annoyance or inconvenience to persons being on the said lands, or going to or coming from the same.

Legal proceedings.

Ibid. s. 12.

12. (1) Proceedings for the recovery of any penalty imposed for the breach of any by-law made under this Act, may be taken in a summary way before any stipendiary or police magistrate, or before any two justices at the court of petty sessions nearest to the place where the breach of such by-law was committed.

(2) The whole amount of all such penalties shall be paid to the trustees for the purposes of their trust.

(3)

Public Parks.

(3) In any such proceedings, the person prosecuting shall not be called upon to prove such by-laws, or the boundaries of such public park or place of public recreation, convenience, health, or enjoyment, where the complaint is for an act committed in such park or place, but the production of the Gazette containing any proclamation or notification of such by-laws or of such boundaries shall be conclusive evidence thereof, and it shall be presumed that such by-laws were duly posted and published until the contrary be shown.

13. Nothing in this Act shall prevent any prosecution or proceeding under any other Act: Prosecution under other Acts.

Provided that no person shall be twice punished or proceeded against in respect of the same offence. No. 40, 1902, s. 13.

SCHEDULE.

Repeal of Acts.

| Reference to Act. | Short title. | Extent of repeal. |
|-------------------|---|-------------------|
| No. 40, 1902 ... | Public Parks Act, 1902 | The whole. |
| No. 28, 1904 ... | Hyde, Cook, and Phillip Parks Act, 1904 ... | The whole. |
| No. 27, 1908 ... | Sydney Corporation (Amendment) Act, 1908 ... | Sec. 33 (1). |
| No. 34, 1910 ... | Victoria and Ruscutters Bay Parks Act, 1910 ... | The whole. |

By Authority: WILLIAM APPELGATE GULLICK, Government Printer, Sydney, 1912.

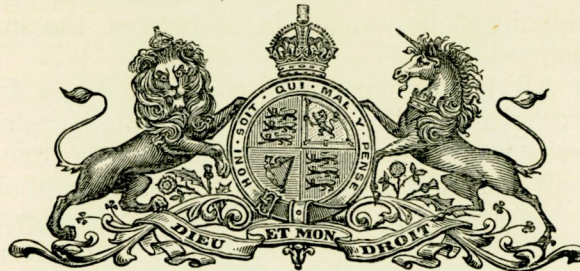
[6d.]

I Certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

*Legislative Assembly Chamber,
Sydney, 13 November, 1912.)*

*RICHD. A. ARNOLD,
Clerk of the Legislative Assembly.*

New South Wales.



ANNO TERTIO

GEORGII V REGIS.

Act No. 40, 1912.

An Act to consolidate the enactments for the better regulation and protection of public parks or places of public recreation, and of lands dedicated, purchased, or resumed for public purposes, for bringing certain lands within the operation of such enactments, and for other purposes. [Assented to, 26th November, 1912.]

BE it enacted by the King'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 I.

PRELIMINARY.

1. This Act may be cited as the "Public Parks Act, 1912," Short title. and is divided into Parts as follows:—

PART I.—PRELIMINARY.—ss. 1-3.

PART II.—APPOINTMENT OF TRUSTEES.—ss. 4-6.

PART III.—GENERAL PROVISIONS AND PROCEDURE.—ss. 7-13.

2.

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

*R. D. MEAGHER,
Chairman of Committees of the Legislative Assembly.*

*Public Parks.**Savings.*

2. (1) The Acts specified in the Schedule to this Act to the extent therein expressed, are hereby repealed.

(2) All trustees appointed, or deemed to have been appointed, under the authority of any Act hereby repealed, and holding office at the time of the passing of this Act, shall be deemed to have been appointed hereunder in respect of the lands whereunto they were appointed.

(3) All bodies corporate, constituted and incorporated, or deemed to have been constituted and incorporated, under the authority of any Act hereby repealed, and in existence at the time of the passing of this Act, shall continue to be bodies corporate, and shall be deemed to have been constituted and incorporated hereunder, and shall be capable of exercising all powers and authorities conferred on trustees by this Act.

(4) All by-laws, rules, and regulations made under the authority of any Act hereby repealed, and in force at the time of the passing of this Act, shall be and continue in force hereunder, and shall be deemed to have been made under the authority of this Act.

Interpretation.

No. 40, 1902, s. 3.

3. In this Act, unless the context or subject-matter otherwise indicates or requires,—

“Minister” means the Minister for Lands.

“Trustee” means a trustee in whom any park or place of public recreation, convenience, health, or enjoyment is vested by law.

PART II.

APPOINTMENT OF TRUSTEES.

Appointment of trustees.

Ibid., s. 4.

- 4.** (1) The Governor may appoint trustees of any lands which—
- (a) have been or are hereafter dedicated by proclamation or notification in the Gazette ;
 - (b) have been or are hereafter purchased for the purposes of public recreation, convenience, health, or enjoyment ; or
 - (c) have been used by the public with the acquiescence of the Crown for such purposes.

(2) Such trustees and their successors shall be a body corporate.

(3) All bodies corporate constituted and incorporated, or deemed to have been constituted and incorporated, under this Act, shall, under their respective corporate names as the same may have been or may from time to time be prescribed by the Governor, have perpetual succession and a common seal, and may sue and be sued by such names in all courts whatsoever, and shall be capable of holding real and personal property.

Public Parks.

5. (1) The Governor may declare that any land now or here- Resumed lands.
after to be resumed for public parks or grounds for public recreation, No. 40, 1902, s. 9.
or as places for bathing, and vested in the Minister for Public Works
as a corporation sole by virtue of the Act forty-four Victoria number
sixteen, or by virtue of the Public Works Act, 1900, shall be as to the
whole or any portion of such lands subject to the provisions of
this Act.

(2) After the publication of a notification in the Gazette to
that effect, the estate of the said Minister, and all powers, authorities,
and liabilities in connection therewith in such land, shall, upon the
appointment of trustees under this Act, be held by and attach to such
trustees for the purposes mentioned in the Gazette notification in the
same manner and with the same powers and liabilities as if such land
had originally been dedicated under this Act.

6. (1) The Governor may appoint the council of any municipi- Municipal councils
may be trustees.
pality within the limits of which any land—

- (a) dedicated or granted under the Public Parks Act of 1854,
or the Act forty-eight Victoria, number twenty-two; or
- (b) now or hereafter resumed for a public park or ground for
public recreation under the Act forty-four Victoria number
sixteen, or the Public Works Act, 1900; or
- (c) now or hereafter purchased for such purposes, or dedicated
under this Act or the Public Parks Act, 1902,
is situated, to be the trustees of such land in the corporate name of
such council.

Ibid. s. 5.

(2) Thereupon such council shall be trustees of such land
for all purposes of this Act.

PART III.

GENERAL PROVISIONS AND PROCEDURE.

7. When any trustee not being a member of a municipal Vacancies how
supplied.
council appointed to execute any trust under this Act, dies or is *Ibid.* s. 6.
absent from the State for more than twelve months, or resigns, or
refuses or becomes incapable to act in the trusts or powers reposed in
him, the Governor may appoint a new trustee in his place.

8. Trustees shall, for all purposes of this Act, and of any by-law Estate of trustees.
thereunder, be deemed to hold an estate in fee-simple in the land *Ibid.* s. 7.
which they were appointed, but shall not be capable of alienating,
charging, or in any way disposing of such land, or any part thereof:

Provided

Public Parks.

Provided that trustees may, with the consent of the Minister, lease or grant grazing or other temporary licenses to occupy or use any portion of such land for such purposes, on such terms and subject to such conditions as the Minister approves.

By-laws.

No. 40, 1902, s. 8

9 (1) Trustees may make by-laws—

- (a) regulating their meetings and the conduct of business thereat;
- (b) for the protection of shrubs, trees, and herbage growing upon the land vested in them;
- (c) regulating the use and enjoyment of such land; and
- (d) for the removal of trespassers and other persons causing annoyance or inconvenience upon such land.

(2) Trustees may by such by-laws impose a penalty not exceeding ten pounds for any breach thereof.

(3) No such by-law shall be of any force until—

- (a) such by-law has been approved by the Governor;
- (b) a copy thereof has been posted in some conspicuous place on such land; and
- (c) such by-law has been twice published in the Gazette.

Extinguishment of ways, &c.

Ibid. s. 10.

10. (1) The Governor may, by notification in the Gazette, declare that any public highway or thoroughfare, public or private, or right-of-way on over or affecting any land now or hereafter dedicated as a public park or place of public recreation, convenience, health, or enjoyment, or any land purchased for any public purpose or resumed under the Act forty-four Victoria number sixteen or the Public Works Act, 1900, shall be extinguished.

(2) After the publication of such notification in the Gazette, and after the same has been laid before Parliament for a period of thirty days, and has not within such period been disallowed by resolution of either House, such public highway, thoroughfare, or private right-of-way shall be extinguished accordingly.

Aid of police may be called in if necessary.

Ibid., s. 11.

11. The trustees or any ranger or other officer appointed by them may call in the aid of the police for the removal, by force if necessary, of any person who is found committing a breach of any by-law, or who by disorderly or insulting conduct upon or in the immediate neighbourhood of the lands vested in such trustees, causes annoyance or inconvenience to persons being on the said lands, or going to or coming from the same.

Legal proceedings,
Ibid. s. 12.

12. (1) Proceedings for the recovery of any penalty imposed for the breach of any by-law made under this Act, may be taken in a summary way before any stipendiary or police magistrate, or before any two justices at the court of petty sessions nearest to the place where the breach of such by-law was committed.

(2) The whole amount of all such penalties shall be paid to the trustees for the purposes of their trust.

(3)

Public Parks.

(3) In any such proceedings, the person prosecuting shall not be called upon to prove such by-laws, or the boundaries of such public park or place of public recreation, convenience, health, or enjoyment, where the complaint is for an act committed in such park or place, but the production of the Gazette containing any proclamation or notification of such by-laws or of such boundaries shall be conclusive evidence thereof, and it shall be presumed that such by-laws were duly posted and published until the contrary be shown.

13. Nothing in this Act shall prevent any prosecution or proceeding under any other Act: Prosecution under other Acts.
No. 40, 1902, s. 13.

Provided that no person shall be twice punished or proceeded against in respect of the same offence.

SCHEDULE.

Repeal of Acts.

| Reference to Act. | Short title. | Extent of repeal. |
|-------------------|--|-------------------|
| No. 40, 1902 ... | Public Parks Act, 1902 ... | The whole. |
| No. 28, 1904 ... | Hyde, Cook, and Phillip Parks Act, 1904 ... | The whole. |
| No. 27, 1908 ... | Sydney Corporation (Amendment) Act, 1908 ... | Sec. 33 (1). |
| No. 34, 1910 ... | Victoria and Rushcutters Bay Parks Act, 1910 ... | The whole. |

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

CHELMSFORD,

State Government House,
Sydney, 26th November, 1912.

Governor.

STATUTES CONSOLIDATION COMMISSION.

COMMISSIONER'S MEMORANDUM AND CERTIFICATE.

PUBLIC PARKS BILL.

THIS Bill consolidates—

Public Parks Act, 1902 ;
Hyde, Cook, and Phillip Park Act, 1904 ;
Section 33 (1), Sydney Corporation (Amendment) Act, 1908 ;
Victoria and Rushcutter's Bay Parks Act, 1910.

I certify that this Bill solely consolidates and in no way alters, adds to, or amends the law as contained in the Acts thereby consolidated.

WILFRED BLACKET,
Commissioner for the Consolidation of the Statute Law.

GOVERNMENT MEMORANDUM AND CERTIFICATE

ATTORNEY GENERAL

TO THE HONORABLE THE SECRETARY OF THE INTERIOR

FROM THE ATTORNEY GENERAL

Public Parks Bill.

TABLE showing how the sections of the Acts consolidated have been dealt with.

| Section of Repealed Acts. | Section of Consolidated Act. | Remarks. |
|------------------------------|---------------------------------|------------------------|
| No. 40, 1902. | | |
| 1 | | Short title. |
| 2 | 2 | |
| 3 | 3 | |
| 4 | 4 | |
| 5 | 6 | |
| 6 | 7 | |
| 7 | 8 | |
| 8 | 9 | |
| 9 | 5 | |
| 10 | 10 | |
| 11 | 11 | |
| 12 | 12 | |
| 13 | 13 | |
| No. 28, 1904. | | |
| 1 | | Short title. |
| 2 | 2 | Part omitted as spent. |
| No. 27, 1908. | | |
| 33 (1) | 2 | / |
| No. 34, 1910. | | |
| 1 | | Short title. |
| 2 | | Omitted as spent. |
| 3 | 2 | Part omitted as spent. |
| 4 | 2 | Part omitted as spent. |
| 5 | | Omitted as spent. |

Public Park - Bill

This bill is for the purpose of establishing a public park in the city of New York.

The bill is for the purpose of establishing a public park in the city of New York.

| | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|----|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |

The bill is for the purpose of establishing a public park in the city of New York.

No. , 1912.

A BILL

To consolidate the enactments for the better regulation and protection of public parks or places of public recreation, and of lands dedicated, purchased, or resumed for public purposes, for bringing certain lands within the operation of such enactments, and for other purposes.

[MR. HOLMAN ;—7 *November*, 1912.]

BE it enacted by the King'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 I.

PRELIMINARY.

1. This Act may be cited as the "Public Parks Act, 1912," Short title, and is divided into Parts as follows :—

PART I.—PRELIMINARY.—*ss.* 1-3.

PART II.—APPOINTMENT OF TRUSTEES.—*ss.* 4-6.

PART III.—GENERAL PROVISIONS AND PROCEDURE.—*ss.* 7-13.

Savings.

2. (1) The Acts specified in the Schedule to this Act to the extent therein expressed, are hereby repealed.

(2) All trustees appointed, or deemed to have been appointed, under the authority of any Act hereby repealed, and holding office at the time of the passing of this Act, shall be deemed to have been appointed hereunder in respect of the lands whereunto they were appointed.

(3) All bodies corporate, constituted and incorporated, or deemed to have been constituted and incorporated, under the authority of any Act hereby repealed, and in existence at the time of the passing of this Act, shall continue to be bodies corporate, and shall be deemed to have been constituted and incorporated hereunder, and shall be capable of exercising all powers and authorities conferred on trustees by this Act.

(4) All by-laws, rules, and regulations made under the authority of any Act hereby repealed, and in force at the time of the passing of this Act, shall be and continue in force hereunder, and shall be deemed to have been made under the authority of this Act.

Interpretation.

No. 40, 1902, s. 3.

3. In this Act, unless the context or subject-matter otherwise indicates or requires,—

“Minister” means the Minister for Lands.

“Trustee” means a trustee in whom any park or place of public recreation, convenience, health, or enjoyment is vested by law.

PART II.

APPOINTMENT OF TRUSTEES.

Appointment of trustees.

Ibid. s. 4.

- 4.** (1) The Governor may appoint trustees of any lands which—
- (a) have been or are hereafter dedicated by proclamation or notification in the Gazette;
 - (b) have been or are hereafter purchased for the purposes of public recreation, convenience, health, or enjoyment; or
 - (c) have been used by the public with the acquiescence of the Crown for such purposes.

(2) Such trustees and their successors shall be a body corporate.

(3) All bodies corporate constituted and incorporated, or deemed to have been constituted and incorporated, under this Act, shall, under their respective corporate names as the same may have been or may from time to time be prescribed by the Governor, have perpetual succession and a common seal, and may sue and be sued by such names in all courts whatsoever, and shall be capable of holding real and personal property.

5.

5. (1) The Governor may declare that any land now or hereafter to be resumed for public parks or grounds for public recreation, or as places for bathing, and vested in the Minister for Public Works as a corporation sole by virtue of the Act forty-four Victoria number sixteen, or by virtue of the Public Works Act, 1900, shall be as to the whole or any portion of such lands subject to the provisions of this Act.

Resumed lands.
No. 40, 1902, s. 9.

(2) After the publication of a notification in the Gazette to that effect, the estate of the said Minister, and all powers, authorities, and liabilities in connection therewith in such land, shall, upon the appointment of trustees under this Act, be held by and attach to such trustees for the purposes mentioned in the Gazette notification in the same manner and with the same powers and liabilities as if such land had originally been dedicated under this Act.

6. (1) The Governor may appoint the council of any municipality within the limits of which any land—

Municipal councils
may be trustees.
Ibid. s. 5.

- (a) dedicated or granted under the Public Parks Act of 1854, or the Act forty-eight Victoria, number twenty-two; or
 - (b) now or hereafter resumed for a public park or ground for public recreation under the Act forty-four Victoria number sixteen, or the Public Works Act, 1900; or
 - (c) now or hereafter purchased for such purposes, or dedicated under this Act or the Public Parks Act, 1902,
- is situated, to be the trustees of such land in the corporate name of such council.

(2) Thereupon such council shall be trustees of such land for all purposes of this Act.

PART III.

[GENERAL PROVISIONS AND PROCEDURE.

7. When any trustee not being a member of a municipal council appointed to execute any trust under this Act, dies or is absent from the State for more than twelve months, or resigns, or refuses or becomes incapable to act in the trusts or powers reposed in him, the Governor may appoint a new trustee in his place.

Vacancies how
supplied.
Ibid. s. 6.

8. Trustees shall, for all purposes of this Act, and of any by-law thereunder, be deemed to hold an estate in fee-simple in the land for which they were appointed, but shall not be capable of alienating, charging, or in any way disposing of such land, or any part thereof:

Estate of trustees.
Ibid. s. 7.

Provided

Provided that trustees may, with the consent of the Minister, lease or grant grazing or other temporary licenses to occupy or use any portion of such land for such purposes, on such terms and subject to such conditions as the Minister approves.

By-laws.

No. 40, 1902, s. 8.

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11. The trustees or any ranger or other officer appointed by them may call in the aid of the police for the removal, by force if necessary, of any person who is found committing a breach of any by-law, or who by disorderly or insulting conduct upon or in the immediate neighbourhood of the lands vested in such trustees, causes annoyance or inconvenience to persons being on the said lands, or going to or coming from the same.

Legal proceedings.

Ibid. s. 12.

12. (1) Proceedings for the recovery of any penalty imposed for the breach of any by-law made under this Act, may be taken in a summary way before any stipendiary or police magistrate, or before any two justices at the court of petty sessions nearest to the place where the breach of such by-law was committed.

(2) The whole amount of all such penalties shall be paid to the trustees for the purposes of their trust.

(3)

(3) In any such proceedings, the person prosecuting shall not be called upon to prove such by-laws, or the boundaries of such public park or place of public recreation, convenience, health, or enjoyment, where the complaint is for an act committed in such park or place, but the production of the Gazette containing any proclamation or notification of such by-laws or of such boundaries shall be conclusive evidence thereof, and it shall be presumed that such by-laws were duly posted and published until the contrary be shown.

13. Nothing in this Act shall prevent any prosecution or proceeding under any other Act :

Provided that no person shall be twice punished or proceeded against in respect of the same offence.

Prosecution under
other Acts.

No. 40, 1902, s. 13.

SCHEDULE.

Repeal of Acts.

| Reference to Act. | Short title. | Extent of repeal. |
|-------------------|--|-------------------|
| No. 40, 1902 ... | Public Parks Act, 1902 | The whole. |
| No. 28, 1904 ... | Hyde, Cook, and Phillip Parks Act, 1904 ... | The whole. |
| No. 27, 1908 ... | Sydney Corporation (Amendment) Act, 1908 ... | Sec. 33 (1). |
| No. 34, 1910 ... | Victoria and Rushcutters Bay Parks Act, 1910 ... | The whole. |

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[9d.]

