

No. XXII.

An Act 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 this Act and for other purposes. [31st October, 1884.]

PUBLIC PARKS
(No. 2).

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:—

1. This Act may be cited for all purposes as the "Public Parks Act of 1884" and from and after the passing thereof the Act eighteenth Victoria number thirty-three being the "Public Parks Act of 1854" shall be repealed Provided that such repeal shall be without prejudice to anything lawfully done or commenced under the authority of the said Act.

Short title and repeal of Public Parks Act of 1854.

2. Subject to the provisions of this Act all Trustees in whom any lands are now vested by virtue of any grant from the Crown for a public park or for the recreation convenience health or enjoyment of the inhabitants of any city town or place and all Trustees appointed by the Governor of lands dedicated to the purposes aforesaid pursuant to the provisions of the Act hereby repealed shall continue to be bodies corporate under their respective corporate names as the same may heretofore have been or may hereafter be prescribed by the Governor and shall have perpetual succession and a common seal and shall be competent and liable to sue and be sued by such names in all Courts whatsoever and capable of holding real and personal property and of exercising all powers and authorities conferred on Trustees by this Act.

Continuance of existing Trustees of Parks &c. as bodies corporate.

3. It shall be lawful for the Governor to appoint Trustees of any lands which have been already or may hereafter be dedicated by proclamation or notification in the *Gazette* or purchased for the purposes of public recreation convenience health or enjoyment or which have been used by the public with the acquiescence of Her Majesty for such purposes and such Trustees and their successors shall be a body corporate having all the corporate capacities and liabilities mentioned in the second section of this Act.

Power to appoint Trustees.

4. It shall be lawful for the Governor to 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-fourth Victoria number sixteen (the "Lands for Public Purposes Acquisition Act") shall be as to the whole or any portion of such lands subject to the provisions of this Act And 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.

As to Parks &c. resumed under the "Lands for Public Purposes Acquisition Act."

Public Parks (No. 2).

Municipal Councils
may be appointed
Trustees.

5. It shall be lawful for the Governor to appoint the Council of any Borough or Municipal District within the limits of which any land dedicated or granted under the Act hereby repealed or now or hereafter to be resumed for a public park or ground for public recreation under the "Lands for Public Purposes Acquisition Act" or now or hereafter to be purchased for such purposes or to be dedicated under this Act is situated to be the Trustees of such land in their corporate name as such Council and thereupon such Council shall be Trustees of such land for all purposes of this Act.

Estate of Trustees.

6. 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 Provided always that it shall be lawful for Trustees with the consent of the Minister to 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 he may approve.

Extinguishment of
ways &c.

7. It shall be lawful for the Governor by notification in the *Gazette* to 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 "Lands for Public Purposes Acquisition Act" shall be extinguished And 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.

Vacancies how
supplied.

8. When any trustee not being a member of a Municipal Council appointed to execute any trust under this Act shall die or be absent from the Colony for more than twelve months or shall resign or refuse or become incapable to act in the trusts or powers reposed in him it shall be lawful for the Governor to appoint a new Trustee in his place.

Power to make
by-laws.

9. Trustees may frame by-laws regulating their meetings and the conduct of business thereat for the protection of the shrubs trees and herbage growing upon the land vested in them for regulating the use and enjoyment of such land for the removal of trespassers and other persons causing annoyance or inconvenience thereon and may impose penalties on the breach of any such by-law thereof not in any case to exceed the sum of ten pounds Provided always that no such by-law shall be of any force until the same shall be approved by the Governor nor until a copy thereof shall have been posted in some conspicuous place on the said land and been twice published in the *Gazette*.

Recovery.
Application of
penalties.

10. Proceedings for the recovery of any penalty imposed for the breach of any such by-law 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 and the whole amount of all such penalties shall be paid to the Trustees for the purposes of their trust And 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.

Sales of Reversions Law Amendment.

11. Nothing in this Act shall affect the validity of any rules and regulations made under the Act hereby repealed which shall for all purposes of this Act be deemed to have the same force and effect as by-laws duly made hereunder

As to rules and regulations made under the repealed Act.

12. It shall be lawful for any of the Trustees or any ranger or other officer appointed by them to call in the aid of the police for the removal by force if necessary of any person who shall be found committing a breach of any by-law or who shall by disorderly or insulting conduct upon or in the immediate neighbourhood of the lands vested in such Trustees cause annoyance or inconvenience to persons being on the said lands or going to or coming from the same.

Aid of police may be called in if necessary.

13. In this Act the word "Trustees" means the Trustees in whom any park or place of public recreation convenience health or employment is vested by law and "Trustee" means any one of such Trustees and the word "Governor" means the Governor acting with the advice of the Executive Council.

Interpretation of terms.

14. The Minister for Lands shall be the Minister for the administration of this Act.

Minister of this Act.

15. 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.