

PUBLIC PARKS AND RESERVES ACT.

Act No. 53, 1955.

Elizabeth II, An Act to make further provision relating to
 No. 53, 1955. the powers of trustees of public parks and areas reserved or dedicated for public purposes; for these and other purposes to amend the Public Parks Act, 1912, the Public Trusts Act, 1897, the Crown Lands Consolidation Act, 1913, the Sydney Sports Ground and Sydney Cricket Ground Amalgamation Act, 1951, and certain other Acts in certain respects; and for purposes connected therewith. [Assented to, 13th December, 1955.]

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 "Public Parks and Reserves Act, 1955."

Amendment of Act No. 40, 1912. **2.** (1) The Public Parks Act, 1912, as amended by subsequent Acts, is amended—

Sec. 9. (By-laws.) (a) by omitting subsection one of section nine and by inserting in lieu thereof the following subsections:—

(1) Trustees may make by-laws for and with respect to—

(a) the care, control and management of the land of which they are the trustees;

(b)

- (b) the regulation of the use and enjoyment of such land; No. 53, 1955.
- (c) the regulation of meetings of the trustees and the conduct of business thereat;
- (d) the securing of decency and order upon such land;
- (e) the removal of trespassers and other persons causing annoyance or inconvenience upon such land;
- (f) the regulation or prevention of the taking of intoxicants on to and the consuming thereof upon such land;
- (g) the regulation and control of the taking of animals on to such land or the permitting or suffering of animals to be on such land;
- (h) the regulation, control or prohibition of parking, camping or residing on such land, the making of charges for such parking, camping or residing, and the collecting and receiving of such charges by the trustees or by other persons;
- (i) the preservation or protection of, or prevention of damage to, trees, shrubs, ferns, creepers, vines, palms, plants, flowers, herbage, or other vegetative cover on such land;
- (j) the protection or removal of all dead timber, logs and stumps on such land, whether standing or fallen;
- (k) the preservation, protection or removal of any rocks, soil, sand, stone or other similar substances on or under or comprising part of such land;

(1)

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- (l) the preservation or protection of any animals, birds, fish and any other fauna of any nature whatsoever and whether natural or introduced on such land;
- (m) the making of charges or entrance fees on persons, clubs, or associations using or entering upon such land or improvements thereon, or any specified part or parts of such land or improvements, and the collecting and receiving of such charges and fees by the trustees or by other persons;
- (n) the reservation of any portion of such land for such separate or exclusive uses as the by-laws may prescribe;
- (o) the closing of such land or parts thereof and the conditions to be observed with regard thereto;
- (p) the regulation, control or prohibition of private trading upon such land;
- (q) the appointment and removal of rangers and the defining of their powers and duties;
- (r) the prescription of all matters which are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

The provisions of this subsection shall apply mutatis mutandis to and in respect of any land purchased or leased by the trustees under and pursuant to section 8A of this Act.

(1A) By-laws made for or with respect to the matters referred to in paragraph (h) of subsection one of this section shall have effect notwithstanding anything contained in section eight of this Act or in any other Act.

- (b) by omitting from subsection two of the same section the words "ten pounds" and by inserting in lieu thereof the words "fifty pounds".

(2)

(2) The Public Trusts Act, 1897-1944, is amended—

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Amendment
of Act No.
8, 1897.

(a) by omitting from section one the words “, and to make rules and regulations for the management and control of such lands, and impose in those rules and regulations any penalty not exceeding ten pounds for any breach of the same”;

Sec. 1.

(Appoint-
ment of
trustees of
land
tem-
porarily
reserved.)

(b) by inserting at the end of the same section the following new subsections:—

(2) Trustees may make rules and regulations for and with respect to—

- (a) the care, control and management of the land of which they are the trustees;
- (b) the regulation of the use and enjoyment of such land;
- (c) the regulation of meetings of the trustees and the conduct of business thereat;
- (d) the securing of decency and order upon such land;
- (e) the removal of trespassers and other persons causing annoyance or inconvenience upon such land;
- (f) the regulation or prevention of the taking of intoxicants on to and the consuming thereof upon such land;
- (g) the regulation and control of the taking of animals on to such land or the permitting or suffering of animals to be on such land;
- (h) the regulation, control or prohibition of parking, camping or residing on such land, the making of charges for such parking, camping or residing, and the collecting and receiving of such charges by the trustees or by other persons;

(i)

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- (i) the preservation or protection of, or prevention of damage to, trees, shrubs, ferns, creepers, vines, palms, plants, flowers, herbage, or other vegetative cover on such land;
- (j) the protection or removal of all dead timber, logs and stumps on such land, whether standing or fallen;
- (k) the preservation, protection or removal of any rocks, soil, sand, stone or other similar substances on or under or comprising part of such land;
- (l) the preservation or protection of any animals, birds, fish and any other fauna of any nature whatsoever and whether natural or introduced on such land;
- (m) the making of charges or entrance fees on persons, clubs, or associations using or entering upon such land or improvements thereon, or any specified part or parts of such land or improvements, and the collecting and receiving of such charges and fees by the trustees or by other persons;
- (n) the reservation of any portion of such land for such separate or exclusive uses as the rules and regulations may prescribe;
- (o) the closing of such land or parts thereof and the conditions to be observed with regard thereto;
- (p) the regulation, control or prohibition of private trading upon such land;
- (q) the appointment and removal of rangers and the defining of their powers and duties;
- (r)

(r) the prescription of all matters which are necessary or convenient to be prescribed for carrying out or giving effect to this Act. No. 53, 1955.

(3) Trustees may by such rules and regulations impose a penalty not exceeding fifty pounds for any breach thereof.

(4) Such rules and regulations shall—

(a) after approval by the Governor be published in the Gazette;

(b) take effect from the date of such publication or from a later date to be specified therein; and

(c) be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session.

If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such rules and regulations have been laid before such House disallowing any rule and regulation or any part thereof, such rule and regulation or part shall thereupon cease to have effect.

(5) A copy of such rules and regulations shall be posted in some conspicuous place in such land.

Amendment of Act No. 7, 1913.

Sec. 26.

(Rules and regulations for management of land.)

(3) The Crown Lands Consolidation Act, 1913, as amended by subsequent Acts, is amended—

(a) by omitting from subsection one of section twenty-six the words “twenty pounds” and by inserting in lieu thereof the words “fifty pounds”;

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(b) by omitting subsection two of the same section and by inserting in lieu thereof the following subsection:—

(2) Trustees appointed under subsection one of this section, or appointed under any of the provisions of the Public Trusts Act, 1897, other than section one of that Act, may make rules and regulations for and with respect to—

- (a) the care, control and management of the land of which they are the trustees;
- (b) the regulation of the use and enjoyment of such land;
- (c) the regulation of meetings of the trustees and the conduct of business **thereat**;
- (d) the securing of decency and order upon such land;
- (e) the removal of trespassers and other persons causing annoyance or inconvenience upon such land;
- (f) the regulation or prevention of the taking of intoxicants on to and the consuming thereof upon such land;
- (g) the regulation and control of the taking of animals on to such land or the permitting or suffering of animals to be on such land;
- (h) the regulation, control or prohibition of parking, camping or residing on such land, the making of charges for such parking, camping or residing, and the collecting and receiving of such charges by the trustees or by other persons;
- (i) the preservation or protection of, or prevention of damage to, trees, shrubs, ferns, creepers, vines, palms, plants, flowers, herbage, or other vegetative cover on such land;
- (j)

- (j) the protection or removal of all dead timber, logs and stumps on such land, whether standing or fallen; No. 53, 1955.
- (k) the preservation, protection or removal of any rocks, soil, sand, stone or other similar substances on or under or comprising part of such land;
- (l) the preservation or protection of any animals, birds, fish and any other fauna of any nature whatsoever and whether natural or introduced on such land;
- (m) the making of charges or entrance fees on persons, clubs, or associations using or entering upon such land or improvements thereon, or any specified part or parts of such land or improvements, and the collecting and receiving of such charges and fees by the trustees or by other persons;
- (n) the reservation of any portion of such land for such separate or exclusive uses as the rules and regulations may prescribe;
- (o) the closing of such land or parts thereof and the conditions to be observed with regard thereto;
- (p) the regulation, control or prohibition of private trading upon such land;
- (q) the appointment and removal of rangers and the defining of their powers and duties;
- (r) the prescription of all matters which are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

This subsection shall not apply in any case where, under the provisions of any other Act, power is conferred on the Governor, the Minister or the trustees to make rules and regulations, by-laws or ordinances for or with respect

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respect to any of the matters referred to in the foregoing provisions of this subsection in relation to the land of which the trustees have been so appointed trustees.

- (c) by inserting next after the same subsection the following new subsection:—

(2A) Trustees may by such rules and regulations impose a penalty not exceeding fifty pounds for any breach thereof.

(4) All by-laws and rules and regulations made or deemed to have been made under the authority of any Act amended by subsection one, two or three of this section, and in force immediately before the commencement of this Act shall be deemed to be by-laws or rules and regulations, as the case may be, made under that Act, as amended by this Act, and shall be and continue to be in force until amended, replaced or repealed in pursuance of that Act, as so amended.

Further amendment of Act No. 40, 1912.

Sec. 7c.
(Trustees to report annually to Minister.)

3. (1) The Public Parks Act, 1912, as amended by subsequent Acts, is further amended—

- (a) by omitting subsection one of section 7c and by inserting in lieu thereof the following subsection:—

(1) Trustees shall cause to be forwarded to the Minister during the month next following the close of the year of the trust financial and other statements in relation to such matters arising out of the trust as the Minister either generally or in any particular case or class of cases may require.

- (b) by omitting from subsection two of the same section the words “in each year a statement setting forth the activities of the council in relation to the trust during the preceding year” and by inserting in lieu thereof the words “in the year one thousand nine hundred and fifty-eight and thereafter in the month of January in every third succeeding year a statement concerning such activities of the council in relation to the trust

trust during the preceding three years as the Minister either generally or in any particular case or class of cases may require”;

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- (c) by inserting at the end of the same section the following new subsection:—

(3) The Minister may, in any particular case or class of cases, waive the requirements of subsection one or subsection two of this section either wholly or in part, and for such periods as he may determine, if in his opinion the circumstances of the case or class of cases are such that it is desirable to do so.

- (2) The Public Trusts Act, 1897-1944, is further amended—

Further amendment of Act No. 8, 1897.

- (a) by omitting subsection one of section 4c and by inserting in lieu thereof the following subsection:—

Sec. 4c.
(Trustees to report annually to Minister.)

(1) Trustees shall cause to be forwarded to the Minister during the month next following the close of the year of the trust financial and other statements in relation to such matters arising out of the trust as the Minister either generally or in any particular case or class of cases may require.

- (b) by omitting from subsection two of the same section the words “in each year a statement setting forth the activities of the corporate body in relation to the trust during the preceding year” and by inserting in lieu thereof the words “in the year one thousand nine hundred and fifty-eight and thereafter in the month of January in every third succeeding year a statement concerning such activities of the corporate body in relation to the trust during the preceding three years as the Minister either generally or in any particular case or class of cases may require”;

(c)

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(c) by inserting at the end of the same section the following new subsection:—

(3) The Minister may, in any particular case or class of cases, waive the requirements of subsection one or subsection two of this section either wholly or in part, and for such periods as he may determine, if in his opinion the circumstances of the case or class of cases are such that it is desirable to do so.

Further amendment of Act No. 7, 1913.
Sec. 26.

(Appointment of trustees.)

(3) The Crown Lands Consolidation Act, 1913, as amended by subsequent Acts, is further amended by omitting subsection (1c) of section twenty-six and by inserting in lieu thereof the following subsection:—

(1c) Trustees shall cause to be forwarded to the Minister during the month next following the close of the year of the trust financial and other statements in relation to such matters arising out of the trust as the Minister either generally or in any particular case or class of cases may require: Provided that the Minister may, in any particular case or class of cases, waive the requirements of this subsection either wholly or in part, and for such periods as he may determine, if in his opinion the circumstances of the case or class of cases are such that it is desirable to do so.

Further amendment of Act No. 40, 1912.

New sec. 8A.

Trustees may purchase or take a lease of land or expend money on land outside trust area.

4. The Public Parks Act, 1912, as amended by subsequent Acts, is further amended by inserting next after section eight the following new section:—

8A. Trustees may—

(a) with the approval of the Minister, purchase or take a lease of any land adjoining or not adjoining the land of which they are trustees and required by them for use in connection with the land of which they are trustees;

(b) expend trust moneys in using any land purchased by them or of which they have taken a lease under and in accordance with the provisions of paragraph (a) of this section;

(c)

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- (c) with the approval of the Minister, and the consent of the owner, expend trust moneys for or in connection with the improvement of any land, where in their opinion such expenditure is desirable to provide or improve access to the land of which they are trustees, or to provide or improve facilities or amenities for persons visiting the land of which they are trustees.

5. The Sydney Sports Ground and Sydney Cricket Ground Amalgamation Act, 1951, is amended by inserting next after section six the following new section:—

Amendment
of Act No.
32, 1951.
New sec.
6A.

6A. The new trustees may, with the approval of the Minister and the consent of the owner, expend trust moneys for or in connection with the improvement of any land, where in their opinion such expenditure is desirable to provide or improve access to the land of which they are trustees or to provide or improve facilities or amenities for persons visiting the land of which they are trustees.

Trustees
may expend
money on
land
outside
trust area.

