

**NEW SOUTH WALES**  
**DRAFT GOVERNMENT BILL**

**Greater Sydney Parklands Trust Bill 2021**

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# public consultation draft

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public consultation draft

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**NEW SOUTH WALES**  
**DRAFT GOVERNMENT BILL**

**Greater Sydney Parklands Trust Bill 2021**

No           , 2021

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**A Bill for**

An Act to establish the Greater Sydney Parklands Trust and to provide for the management of the Greater Sydney Parklands Trust estate; and for other purposes.

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The Legislature of New South Wales enacts—

## Part 1 Preliminary

### 1 Name of Act

This Act is the *Greater Sydney Parklands Trust Act 2021*.

### 2 Commencement

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

### 3 Objects

The objects of this Act are as follows—

- (a) to maintain and improve the parklands estate across Greater Sydney and ensure the parklands estate is effectively managed and operated to deliver world-class and ecologically sustainable parklands for the public,
- (b) to enable the Greater Sydney Parklands Trust to facilitate a connection to Country for First Nations people that—
  - (i) recognises and conserves First Nations peoples' cultural heritage and values through the use of the parklands estate, and
  - (ii) establishes long-term and mutually beneficial partnerships that give effect to the ongoing relationships of First Nations people with Country,
- (c) to ensure the conservation of the natural and cultural heritage values of the parklands estate and the protection of the environment within the parklands estate,
- (d) to advocate for a long-term vision to achieve the outcome of quality parklands across Greater Sydney, particularly connectivity of green corridors and public access to open space,
- (e) to encourage the use and enjoyment of the parklands estate by the community by promoting and increasing the recreational, historical, scientific, educational, cultural and environmental values of lands within the parklands estate,
- (f) to ensure the parklands estate may be used by the community in a way that is adaptive and recognises and responds to the diverse needs of the community,
- (g) to provide increased opportunity for community engagement to shape regionally significant parklands in response to diverse community needs.

### 4 Definitions

The Dictionary in Schedule 4 defines terms used in this Act.

**Note.** The *Interpretation Act 1987* also contains definitions and other provisions that affect the interpretation and application of this Act.

## Part 2 Constitution and management of Trust

### Division 1 Constitution and management of Trust

#### 5 Constitution of Trust

The Greater Sydney Parklands Trust (the Trust) is constituted.

#### 6 Status of Trust

The Trust is—

- (a) a corporation, and
- (b) a NSW Government agency.

**Note.** See the *Interpretation Act 1987*, section 13A, which provides that a NSW Government agency has the status, privileges and immunities of the Crown.

#### 7 Ministerial control

The Trust is subject to the control and direction of the Minister in the exercise of its functions.

### Division 2 Board of Trust

#### 8 Trust Board

- (1) There is to be a Board of the Trust.
- (2) The Board is an advisory body for the Trust.
- (3) The Board consists of the following members—
  - (a) the chief executive,
  - (b) 7 members (the appointed members) appointed by the Minister.
- (4) One of the appointed members is, by the member's instrument of appointment or by a subsequent instrument, to be appointed as the chairperson of the Board.
- (5) Schedule 1 has effect for the Board.

#### 9 Appointed members of Board

- (1) In appointing members of the Board the Minister must ensure the Board, as a whole, has experience or skills in the following—
  - (a) community consultation,
  - (b) environmental management,
  - (c) financial and property management,
  - (d) governance and risk,
  - (e) heritage or heritage management,
  - (f) landscape or park management.
- (2) The Minister must also, in appointing members of the Board, have regard to the desirability of the Board having members who have a diverse background.

### Division 3 Powers of Trust

#### 10 Delegation of Trust's functions

- (1) The Trust may delegate any of its functions, other than this power of delegation, to an authorised person.

- (2) If authorised by the Trust, an authorised person may subdelegate a function delegated to the person by the Trust.

## 11 Exercise of functions through private subsidiaries, joint ventures etc

A function of the Trust may be exercised by any of the following—

- (a) the Trust,
- (b) a private subsidiary corporation,
- (c) the Trust or a private subsidiary corporation, or both, in a partnership, joint venture or other association with another person or body.

## 12 Committees

- (1) The Trust may establish—
- (a) a committee, known as the *Blue-Green grid committee*, to advocate for a long-term vision and outcome of quality parklands across Greater Sydney, particularly connectivity of green corridors and public access to open space, and
  - (b) advisory committees—
    - (i) to assist it in the exercise of its functions, or
    - (ii) for the purposes of public consultation.
- (2) Without limiting subsection (1), members of a committee may include—
- (a) persons who represent State government agencies and local governments, and
  - (b) persons who have expertise in matters relevant to the matters referred to the committee for advice, and
  - (c) other persons who are not board members.
- (3) The procedure for the calling of meetings of a committee and for the conduct of business at those meetings is to be decided by—
- (a) the Trust, or
  - (b) subject to paragraph (a), the committee.

## Division 4 Staff of Trust

### 13 Chief executive

- (1) The chief executive is responsible for the day-to-day management of the Trust.
- (2) An act, matter or other thing done in the name of, or on behalf of, the Trust by the chief executive is taken to have been done by the Trust.

### 14 Staff

Persons may be employed in the Public Service under the *Government Sector Employment Act 2013* to enable the Trust to exercise its functions.

**Note.** The *Government Sector Employment Act 2013*, section 59 provides that the persons so employed, or whose services the Trust makes use of, may be referred to as officers or employees, or members of staff, of the Trust. The *Constitution Act 1902*, section 47A precludes the Trust from employing staff.

## Part 3 Functions of Trust

### Division 1 General functions

#### 15 Functions—generally

- (1) The Trust has the following functions—
  - (a) to conserve, restore and enhance the natural environment of the parklands estate,
  - (b) to conserve, restore and enhance—
    - (i) connection to Country for First Nations people, and
    - (ii) the heritage values of the parklands estate,
  - (c) to facilitate and promote the use of the parklands estate for education, environmental sustainability and scientific and other research, including by providing facilities for education and research,
  - (d) to encourage and promote appropriate public access and enjoyment of the parklands estate, including by catering to a diverse range of community interests, organisations and activities,
  - (e) to provide for and facilitate a diverse range of recreational, historical, educational, environmental, cultural, sporting, entertainment and tourism uses of the parklands estate, including by providing facilities and associated services,
  - (f) to facilitate the use of the parklands estate to meet community health needs and provide opportunities for, and encourage, activities that promote health and well-being in the community,
  - (g) to consult with, and involve, the community in planning for the parklands estate and carrying out the plans, including the provision of services and facilities within the parklands estate, by establishing a transparent process for consultation about and management of the parklands estate,
  - (h) to consider advice received from community trustee boards about the parklands estate or parts of the parklands estate,
  - (i) to manage and operate the GSPT estate in a way that aligns with the Government’s long-term vision for metropolitan open space and parklands within Greater Sydney,
  - (j) to advocate to Government to influence the long-term vision for open space and parklands in Greater Sydney,
  - (k) to provide advice and recommendations to the Minister and Government agencies about the implementation of the Government’s long-term vision for open space and parklands within Greater Sydney,
  - (l) to undertake or facilitate business activities and facilities within the GSPT estate, but only for the following purposes—
    - (i) to maintain and improve the parklands estate across Greater Sydney,
    - (ii) to ensure the parklands estate is effectively managed and operated to deliver high quality and ecologically sustainable parklands for the public,
  - (m) to provide or permit the provision of food or other refreshments on land within the GSPT estate,
  - (n) in accordance with the regulations, to charge and receive fees, charges or other amounts for, or in connection with, services provided or permissions given by the Trust in relation to the GSPT estate,



- (o) to provide financial and operational management in relation to the GSPT estate, including maintaining the estate and other Trust assets,
  - (p) to enter into contracts or other arrangements with persons or bodies for the purposes of this Act,
  - (q) to ensure Government agencies and State owned corporations have access to major service infrastructure within the GSPT estate on terms the Trust considers appropriate,  
**Example—** The Trust may require that a Government agency that accesses major service infrastructure within the GSPT estate to perform works must make good damage caused to the GSPT estate at the end of the works.
  - (r) another function given to the Trust by or under this Act or another Act.
- (2) To avoid doubt, the Trust's annual report under the *Annual Reports (Statutory Bodies) Act 1984* must include a report about the Trust's performance of its functions, including its functions under subsection (1)(j) and (k).

## **16 Functions—associated Trusts and associated Trust parklands estate**

- (1) In addition to the Trust's functions under this Act, the Trust—
- (a) has all the functions of each of the associated Trusts under the associated Trust legislation, and
  - (b) may exercise the functions of an associated Trust in relation to parklands and other land owned or managed by the associated Trust.
- (2) For the purposes of subsection (1), the Trust's functions include providing financial and operational management in relation to the associated Trusts estate in accordance with the objects and functions of the associated Trusts under the associated Trust legislation.

## **Division 2 Functions about land**

### **17 Acquisition of land**

- (1) The Trust may, for the purposes of this Act, acquire and own—
- (a) new parks, and
  - (b) supplementary land.
- (2) Land acquired and owned under subsection (1) forms part of the GSPT estate.
- (3) The Trust may acquire land—
- (a) by agreement, or
  - (b) by compulsory process in accordance with the *Land Acquisition (Just Terms Compensation) Act 1991*.
- (4) For the purposes of the *Public Works and Procurement Act 1912*—
- (a) acquisition of land under this Act is taken to be an authorised work, and
  - (b) the Trust is, in relation to the authorised work, taken to be the constructing authority.
- (5) The *Public Works and Procurement Act 1912*, sections 34, 35, 36 and 37 do not apply to or in relation to works constructed under this Act.

### **18 Acquisition of property by gift, devise or bequest**

- (1) The Trust may—
- (a) acquire by gift, devise or bequest property for the purposes of this Act, and

- (b) agree to carry out the conditions of the gift, devise or bequest.
- (2) The rule of law against remoteness of vesting does not apply to a condition of a gift, devise or bequest to which the Trust has agreed.
- (3) The *Duties Act 1997* does not apply to or in relation to a gift, devise or bequest made, or to be made, to the Trust.

## 19 Management of GSPT estate and other land

- (1) The Trust may enter into an agreement with a government sector agency for the Trust to—
  - (a) manage, maintain, improve or develop land of the agency, or
  - (b) provide services or do other things for the management, maintenance or improvement of land of the agency.
- (2) The Trust may enter into an agreement with a government sector agency for the agency to—
  - (a) manage, maintain, improve or develop the GSPT estate or part of the GSPT estate, or
  - (b) provide services or do other things for the management, maintenance or improvement of the GSPT estate or part of the GSPT estate.
- (3) A function of a government sector agency, or a member of the staff of a government sector agency, in relation to the management of land that is the subject of an agreement under this section may be delegated to the Trust.
- (4) A function of a Trust, or a member of the staff of the Trust, in relation to the management of land that is the subject of an agreement under this section may be delegated to a government sector agency or the head of a government sector agency.
- (5) The Trust may subdelegate a function delegated to it under this section to an authorised person but only if authorised in writing by the delegator of the function.
- (6) If a government sector agency is authorised by or under an Act to use specified funds to manage, maintain or develop land, the authorisation is taken to include providing the funds to the Trust for the management, maintenance or development of the lands in accordance with arrangements entered into under this section.
- (7) Without limiting the *Property NSW Act 2006*, section 12, the Trust may enter into an arrangement with Property NSW under that section or this section.

## 20 Leases, licences and easements

- (1) The Trust may grant a lease, licence or easement over land within the GSPT estate.
- (2) However, a lease, licence or easement for more than 25 years may be granted only with the Minister's consent.
- (3) The Minister's consent under subsection (2) may be—
  - (a) given in relation to—
    - (i) particular land or a class of land, or
    - (ii) a particular lease, licence or easement or a class of leases, licences, or easements, and
  - (b) subject to conditions, including a condition about public consultation that is consistent with the approved consultation and engagement framework, and
  - (c) amended from time to time.

**21 Prohibition on disposal of GSPT estate other than in particular circumstances**

- (1) The Trust may not sell, exchange or otherwise dispose of the GSPT estate or land within the GSPT estate other than as set out in this section.
- (2) The Trust may, by notice published in the Gazette (the *gazette notice*), declare that it proposes to surrender land within the GSPT estate to the Crown to be dedicated—
  - (a) for a public purpose, or
  - (b) as a public road.
- (3) The *gazette notice*—
  - (a) must state the following—
    - (i) a description of the land to be dedicated,
    - (ii) if it is proposed to surrender the land for a public purpose—the public purpose,
    - (iii) if it is proposed to surrender the land for a public road—that the land is to be surrendered for a public road, and
  - (b) may limit the description of the land to a specified depth below the surface.
- (4) When the land is surrendered—
  - (a) it becomes Crown land reserved from sale, lease or licence under the *Crown Land Management Act 2016*, and
  - (b) on revocation of the reservation, it may be dedicated—
    - (i) under the *Crown Land Management Act 2016* for the public purpose stated in the *gazette notice*, or
    - (ii) under the *Roads Act 1993* as a public road.
- (5) If the *gazette notice* limited the land to a specified depth below the surface, subsection (4) does not apply to land below the specified depth.
- (6) Also, the Trust may, by notice published in the Gazette, declare an elevated or subterranean structure owned by the Trust that continues the line of a public road to be a public road.
- (7) On the publication of a notice under subsection (6), the structure is taken to be a public road, other than in relation to vesting of the structure.

**Division 3 Planning**

**22 Plan of management**

- (1) The Trust must ensure each associated Trust—
  - (a) has an approved plan of management for the part of the associated Trust estate for which the associated Trust is constituted, and
  - (b) gives effect to the approved plan of management.
- (2) The Trust must also ensure the Trust—
  - (a) has an approved plan of management for each park acquired and owned by the Trust under Part 3, Division 2, and
  - (b) gives effect to the approved plans of management.
- (3) If the Trust is given a proposed plan of management by an associated Trust for submission to the Minister for approval, the Trust must ensure—
  - (a) the plan complies with the requirements set out in the associated Trust legislation, and

- (b) appropriate consultation, consistent with the approved consultation and engagement framework, has been undertaken.
- (4) The Trust must submit the following to the Minister for the Minister's consideration—
  - (a) if the Trust is satisfied with a proposed plan of management given to the Trust by an associated Trust—the proposed plan of management,
  - (b) a proposed plan of management prepared by the Trust for the purposes of subsection (2).
- (5) The Minister may approve, with or without changes, a plan of management submitted to the Minister under subsection (4).
- (6) In this section—

***approved plan of management*** means a plan of management approved by the Minister.

**23 Government sector agencies to consult with Trust about planning and development that will impact on parklands estate**

- (1) The Greater Sydney Commission must, in exercising its function to lead metropolitan planning for Greater Sydney—
  - (a) consult with the Trust about a plan that relates to, or will impact on, open space and parklands policy within Greater Sydney, and
  - (b) have regard to submissions made by the Trust about the proposed plan.
- (2) If a government sector agency or a local council is proposing to carry out development within, or that will substantially impact on, the parklands estate, the agency or council must —
  - (a) consult with the Trust about the proposed development, and
  - (b) have regard to submissions made by the Trust about the proposed development.

**24 Overshadowing**

- (1) This section applies if a consent authority is considering the making of a determination to grant development consent for development that will or may overshadow land within the GSPT estate.
- (2) In making its determination, the consent authority must have regard to the impact of overshadowing on public open space, including, in particular, the impacts set out in the *Greater Sydney Parklands Shadow Modelling Study*.
- (3) In this section—

***consent authority*** has the same meaning as in the *Environmental Planning and Assessment Act 1979*.

***Greater Sydney Parklands Shadow Modelling Study*** means the document titled *Greater Sydney Parklands Shadow Modelling Study* approved by the Minister and published on a NSW Government website.

**25 Application of other laws**

To avoid doubt, this Division does not authorise the use or development of land within the GSPT estate in contravention of another Act or law.

## Division 4      Miscellaneous

### 26      Outsourcing

- (1) The Minister may direct the Trust to arrange for any of its services to be provided, or activities to be carried out, by persons or bodies other than the Trust's staff.
- (2) A direction given by the Minister under subsection (1) may be given in relation to—
  - (a) a particular service or activity, or
  - (b) a class of services or activities.
- (3) The Trust must comply with a direction given by the Minister under subsection (1).

### 27      Private subsidiary corporations etc

- (1) The Trust may—
  - (a) with the Minister's approval, form, or participate in the formation of, private subsidiary corporations, and
  - (b) acquire interests in private corporations, and
  - (c) sell or otherwise dispose of interests in private corporations.
- (2) However, the Trust must not, without the Minister's approval—
  - (a) acquire an interest in a private corporation if, as a result of the acquisition, the corporation becomes a private subsidiary corporation, or
  - (b) sell or otherwise dispose of an interest in a private subsidiary corporation if, as a result of the sale or disposal, it ceases to be a private subsidiary corporation.
- (3) A private subsidiary corporation is not a NSW Government agency.
- (4) Nothing in this section affects the operation of the *Government Sector Finance Act 2018*, Part 6.
- (5) In this section—

**private corporation** means a corporation within the meaning of the *Corporations Act 2001* of the Commonwealth formed in or outside New South Wales.

**private subsidiary corporation** means a private corporation in which the Trust has a controlling interest.

## Part 4 Community consultation

### Division 1 Consultation and engagement framework

#### 28 Requirement to have consultation and engagement framework

The Trust must have an approved consultation and engagement framework for the parklands estate.

#### 29 Purpose

The purpose of the consultation and engagement framework is to provide guidance to the Trust about how the Trust is to consult and engage with the following on matters relating to the parklands estate, including particular parks—

- (a) the community generally,
- (b) visitors and other users of particular parks.

#### 30 Contents

- (1) The consultation and engagement framework must include the following—
  - (a) how the Trust will consult and engage with the community and relevant stakeholders about the parklands estate and particular parks,
  - (b) matters in relation to which the Trust will consult and engage with the community and relevant stakeholders.
- (2) The consultation and engagement framework must include matters in relation to community trustee boards, including—
  - (a) the appointment of members of community trustee boards, including, for example—
    - (i) the procedure for seeking expressions of interest in becoming a member, and
    - (ii) a process for ensuring there is a diversity of local representation and views, particularly representation by First Nations peoples,
  - (b) subject to Schedule 2, procedures for meetings of community trustee boards, and
  - (c) reporting by the boards in relation to—
    - (i) the boards' functions, and
    - (ii) how the Trust and associated Trusts deal with the boards' advice and recommendations.

#### 31 Preparation

In preparing the consultation and engagement framework, the Trust must—

- (a) consult and engage with the community and relevant stakeholders, including—
  - (i) community trustee boards, and
  - (ii) local councils, and
  - (iii) State government agencies, and
- (b) ensure the framework is prepared in accordance with current best practice principles for community consultation and engagement.

## **32 Approval by Minister**

- (1) The Trust must submit the consultation and engagement framework to the Minister for approval.
- (2) The consultation and engagement framework is of no effect until approved by the Minister.

## **33 Consultation and engagement framework**

The approved consultation and engagement framework must be published on the Trust's website.

## **34 Amendment**

- (1) The Trust may, at any time, amend the approved consultation and engagement framework.
- (2) An amendment of the approved consultation and engagement framework must be prepared and approved under this Division in the same way as the consultation and engagement framework.

## **35 Review**

The Trust must, at least every 5 years, review the approved consultation and engagement framework.

## **Division 2 Community trustee boards**

### **36 Establishment**

- (1) The Trust may establish community trustee boards.
- (2) A community trustee board may be established for—
  - (a) the whole of the parklands estate, or
  - (b) a part of the parklands estate, including an individual park within the parklands estate.

### **37 Membership**

- (1) A community trustee board has the number of members, not more than 7, appointed by the Trust.
- (2) Members are to be chosen, in accordance with the approved consultation and engagement framework, on the recommendation of the chief executive.
- (3) In recommending persons for appointment as members of a community trustee board, the chief executive—
  - (a) must be satisfied—
    - (i) the person has sound knowledge of the park, or part of the park, for which the board is established, including the activities carried out in the park, and
    - (ii) the person is able to communicate effectively with local residents, local community groups and other persons who use the park or part of the park, and
    - (iii) the overall membership of the board will be reflective of the broad range of views and interests of the community and park users, and
  - (b) must have regard to the need for the board to—

- (i) be representative of diversity including, for example, in relation to gender, age and cultural background, and
  - (ii) include representation for local First Nations peoples, and
  - (iii) include a representative of the local council.
- (4) All members of a community trustee board must agree to and sign a Code of Conduct approved by the Trust.

### 38 Functions

- (1) The functions of a community trustee board for a relevant parkland are—
  - (a) to provide advice and assistance to the Trust in the development and review of the plan of management for the relevant parkland, and
  - (b) to provide advice to the Trust about proposed new or modified services and facilities for the relevant parkland, including priorities for investment, and
  - (c) to stay informed about current visitor and local community issues relating to the relevant parkland and provide advice to the board about the issues, and
  - (d) to be a consultative body for the Trust and the associated Trust for the relevant parkland in relation to—
    - (i) the development and review of the plan of management for the relevant parkland, and
    - (ii) matters of local relevance to the relevant parkland, including the protection and use of the relevant parkland and the business, leasing and other activities carried out on, or to be carried out on, the relevant parkland, and
  - (e) another function given to community trustee boards by the Trust under this Act or another Act.
- (2) In this section—  
**relevant parkland**, for a community trustee board, means—
  - (a) if the community trustee board is established for the whole of the parklands estate—the parklands estate, or
  - (b) if the community trustee board is established for a part of the parklands estate or an individual park—the part of the parklands estate or individual park for which the board is established.

### 39 Trust's powers

The Trust may, at any time—

- (a) if a community board is established for a part of the parklands estate—change the part of the parklands estate for which the community trustee board is established, or
- (b) dissolve a community trustee board.



## Part 5 Finance

### 40 Greater Sydney Parklands Trust Special Deposits Fund

- (1) There is to be established in the Special Deposits Account a Greater Sydney Parklands Trust Fund (the Fund).
- (2) Within the Fund, there is to be a separate account for—
  - (a) each associated Trust, and
  - (b) each other park owned or managed by the Trust.

### 41 Payments into Fund

- (1) The following amounts are to be paid into the Fund—
  - (a) all money received by or on account of the Trust,
  - (b) the proceeds of the investment of money in the Fund.
- (2) Despite the *Environmental Planning and Assessment Act 1979*, Part 7, Division 7.1, payments may be made out of the Fund established under that Act, section 7.28 into the Fund.
- (3) Money received by an associated Trust is to be paid into the separate account within the Fund for the associated Trust.
- (4) Money received by the Trust for another park owned or managed by the Trust is to be paid into the separate account within the Fund for the park.

### 42 Payments out of Fund

Amounts required to meet expenditure incurred by the Trust in the exercise of its functions may be paid from the Fund.

### 43 Other matters relating to Trust's financial powers

- (1) The Trust may borrow, repay and invest money.
- (2) The Trust may, in its discretion, allocate money in the Fund to expenditure for—
  - (a) the associated Trusts estate, and
  - (b) the GSPT estate.
- (3) Subject to subsection (4), the Trust must ensure that, in allocating money from a separate account in the Fund, priority is given to the associated Trust or park for which the separate account was established.
- (4) In administering the Fund, the Trust must ensure—
  - (a) there is adequate funding for each of the associated Trusts, and
  - (b) the overall sustainability of the Trust and the associated Trusts.

## **Part 6 Enforcement and legal proceedings**

### **Division 1 Authorised officers**

#### **44 Appointment**

The Trust may appoint the following to be a ranger for this Act—

- (a) a person employed in the Public Service,
- (b) a person who is a member of a class prescribed by the regulations.

#### **45 Functions**

A ranger has the functions conferred by—

- (a) this Act, or
- (b) the regulations.

#### **46 Identification card**

- (1) The Trust must issue each ranger with an identification card.
- (2) An identification card must—
  - (a) state that it is issued under this Act, and
  - (b) give the name of the person to whom it is issued, and
  - (c) describe the nature of the powers conferred on the person, and
  - (d) state the date on which the card expires, and
  - (e) be signed by the chief executive.
- (3) In exercising functions under this Act, a ranger must, if asked by a person affected by the exercise of a function, produce the ranger's identification card to the person.

### **Division 2 Offences**

#### **47 Requirement to state name and address**

- (1) An authorised officer who reasonably suspects a person of having committed an offence against this Act or the regulations may require the person to state the person's full name and residential address.
- (2) An authorised officer may require the driver of a vehicle on trust land to—
  - (a) produce the driver's driver licence, and
  - (b) state the driver's full name and residential address.
- (3) A person must not—
  - (a) fail to comply with a requirement under subsection (1) or (2), or
  - (b) in purporting to comply with a requirement under subsection (1) or (2)—
    - (i) state a name that is not the person's name, or
    - (ii) state an address that is not the person's residential address.

Maximum penalty—10 penalty units.
- (4) A person is not guilty of an offence under this section unless it is established that the authorised officer warned the person that a failure to comply with a requirement of this section is an offence.

## 48 Requirement for owner of vehicle and others to give information

- (1) If a driver of a vehicle is alleged to have committed an offence against this Act or the regulations, an authorised officer may require—
  - (a) the owner of the vehicle or another person having custody of the vehicle to immediately give the officer information about the name and residential address or the driver, or
  - (b) another person to give the officer information that—
    - (i) is in the person's power to give, and
    - (ii) may lead to the identification of the driver.
- (2) A requirement under subsection (1)(a) may require the owner or other person to give the information in a written statement signed by the owner or person.
- (3) A person of whom a requirement is made under subsection (1)(a) or (b) must, unless the person has a reasonable excuse, comply with the requirement.  
Maximum penalty—10 penalty units.
- (4) It is a defence to a prosecution for an offence against subsection (1)(a) if the defendant satisfies the court the defendant did not know, and could not with reasonable diligence have ascertained, the driver's name or residential address.
- (5) If a written statement purporting to be given under subsection (1)(a) and to contain the name and residential address of the driver of a vehicle at the time of the commission of an alleged offence against this Act or the regulations is produced in a court in proceedings against the person named in the statement as the driver for the offence, the statement is evidence, without proof of signature, that the person was the driver of the vehicle at the time of the alleged offence if the person does not appear before the court.
- (6) In this section—  
*owner*, of a vehicle, includes the responsible person for the vehicle within the meaning of the *Road Transport Act 2013*.

## 49 Penalty notices

- (1) A authorised officer may issue a penalty notice to a person if it appears to the authorised officer that the person has committed a penalty notice offence.
- (2) A penalty notice offence is an offence against this Act or the regulations that is prescribed by the regulations as a penalty notice offence.
- (3) The *Fines Act 1996* applies to a penalty notice issued under this section.  
**Note.** The *Fines Act 1996* provides that, if a person issued with a penalty notice does not wish to have the matter determined by a court, the person may pay the amount specified in the notice and is not liable to any further proceedings for the alleged offence.
- (4) The amount payable under a penalty notice issued under this section is the amount prescribed for the alleged offence by the regulations.
- (5) The amount prescribed under subsection (4) must not be more than the maximum amount of penalty that could be imposed for the offence by a court.
- (6) This section does not limit the operation of another provision of, or made under, this Act or another Act relating to proceedings that may be taken for offences.

## 50 Liability of vehicle owner for certain offences

- (1) This section applies if this Act or the regulations provide for an offence in relation to a vehicle.

- (2) The person who, at the time of the offence, is the owner of the vehicle is guilty of the offence as if the person were the actual offender.
- (3) Subsection (2) does not apply if the owner of the vehicle—
  - (a) for an offence dealt with by penalty notice—
    - (i) satisfies the prescribed officer the vehicle was, at the time of the offence, stolen or otherwise illegally taken or used, or
    - (ii) within 21 days after receiving the penalty notice, gives the prescribed officer an approved nomination notice containing the name and address of the person who was in charge of the vehicle at the time of the offence, or
    - (iii) satisfies the prescribed officer the owner did not know, and could not with reasonable diligence have ascertained, the name and address of the person who was in charge of the vehicle at the time of the offence, or
  - (b) otherwise—
    - (i) satisfies the court the vehicle was at the time of the offence stolen or otherwise illegally taken or used, or
    - (ii) within 21 days after service on the owner of a court attendance notice for the offence, gives the informant an approved nomination notice containing the name and address of the person who was in charge of the vehicle at the time of the offence, or
    - (iii) satisfies the court the owner did not know, and could not with reasonable diligence have ascertained, the name and address of the person who was in charge of the vehicle at the time of the offence.
- (4) An approved nomination notice may be provided by a person issued with a penalty notice within 90 days of the notice being issued if the approved nomination notice is provided in the circumstances specified in the *Fines Act 1996*, section 23AA or 23AB.
- (5) If the owner of a vehicle gives an approved nomination notice to a prescribed officer or an informant under this section, the prescribed officer or informant may, by written notice served on the owner, require the owner to give a statutory declaration that verifies the nomination contained in the approved nomination notice.
- (6) A statutory declaration under subsection (5), if produced in proceedings against the person named in the declaration and in relation to the offence for which the declaration was given, is prima facie evidence that the person was in charge of the vehicle at the time the offence was committed.
- (7) An approved nomination notice or a statutory declaration that relates to more than one offence is taken not to be an approved nomination notice or statutory declaration for the purposes of this section.
- (8) In this section—

***approved nomination notice*** has the same meaning as in the *Fines Act 1996*, section 38.

***owner***, of a vehicle, includes the responsible person for the vehicle within the meaning of the *Road Transport Act 2013*.

***penalty notice*** means a penalty notice issued under section 49.

***prescribed officer*** means the prescribed officer referred to in a penalty notice.

## 51 Offences by corporations

- (1) This section applies if a corporation commits an offence against this Act or the regulations.

- (2) Each of the following persons is taken to have committed the same offence if the person knowingly authorised or permitted the act or omission constituting the offence—
  - (a) a director of the corporation,
  - (b) another person concerned in the management of the corporation.
- (3) Subsection (2) does not apply to an offence against section 48(1).
- (4) Proceedings may be brought against a person mentioned in subsection (2), and the person convicted, whether or not—
  - (a) proceedings are brought against the corporation, or
  - (b) the corporation is convicted of an offence.
- (5) This section does not affect any liability imposed on a corporation for an offence committed by the corporation.

## **Division 3      Legal proceedings**

### **52 Proceedings for offences**

Proceedings for an offence against this Act or the regulations may be dealt with summarily before the Local Court.

### **53 Proof of certain matters not required**

In a legal proceeding under this Act, proof is not required, unless evidence is given to the contrary, of the following matters—

- (a) the constitution of the Trust,
- (b) a resolution of the Trust,
- (c) the appointment of, or the holding of office by, a board member,
- (d) the presence of a quorum at a meeting of the Trust,
- (e) the appointment of a ranger.

### **54 Recovery of fees, charges or other monies**

A charge, fee or other money due to the Trust under this Act is recoverable by the Trust in a court of competent jurisdiction as a debt due to the Crown.

### **55 Compensation for loss or damage to Trust property**

- (1) This section applies if—
  - (a) a person is convicted of an offence against this Act or the regulations, and
  - (b) the court before whom the person was convicted is satisfied the commission of the offence caused or resulted in loss or damage to the GSPT estate or other property of the Trust.
- (2) The court may order the person to pay to the Trust the amount the court thinks appropriate by way of compensation for the loss or damage.
- (3) The court may make an order under subsection (2) whether or not it imposes a penalty for the offence.
- (4) An order made by a court under the *Crimes (Sentencing Procedure) Act 1999*, section 10 in proceedings for an offence against this Act or the regulations is, for subsection (1), taken to be a conviction of the offence.

## Part 7 Miscellaneous

### 56 Personal liability

- (1) Anything done or omitted to be done by a relevant person does not subject the relevant person personally to an action, liability, claim or demand if the thing was done, or omitted to be done, in good faith for the purposes of this Act or associated Trust legislation.
- (2) In this section—  
*relevant person* means the following—
  - (a) a board member,
  - (b) a member of a committee established by the Trust or Board, including a community trustee board,
  - (c) the chief executive or another member of the Trust’s staff,
  - (d) a person acting under the direction of a person mentioned in paragraph (a)–(c).

### 57 Regulations

- (1) The Governor may make regulations about a matter that is—
  - (a) required or permitted to be prescribed by this Act, or
  - (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.
- (2) Without limiting subsection (1), the regulations may provide for the following—
  - (a) the fees and charges that may be imposed for the purposes of this Act,
  - (b) regulating the use by the public of, and the conduct of the public on, the parklands estate,
  - (c) regulating the use of the Trust’s facilities and the provision of services by the trust,
  - (d) requiring the payment of charges for the use of a facility operated, or service provided, by the Trust,
  - (e) authorising a person granted a lease, licence or other authority by the Trust to require the payment of charges for the use of a facility operated, or service provided, under the lease, licence or other authority.
- (3) The regulations may create offences punishable by a maximum penalty of 50 penalty units.

## Schedule 1 Constitution and procedure of Board

Section 8(5)

### Part 1 General

#### 1 Definitions

In this Schedule—

*Chairperson* means the Chairperson of the Board.

### Part 2 Constitution

#### 2 Terms of office of members

Subject to this Schedule and the regulations, an appointed member holds office for the period, not more than 5 years, specified in the member's instrument of appointment, but is eligible, if otherwise qualified, for re-appointment.

#### 3 Part-time appointments

Appointed members hold office as part-time members.

#### 4 Remuneration

An appointed member is entitled to be paid the remuneration, including travelling and subsistence allowances, as the Minister may from time to time decide for the member.

#### 5 Vacancy in office of member

- (1) The office of an appointed member becomes vacant if the member—
  - (a) dies, or
  - (b) completes a term of office and is not re-appointed, or
  - (c) resigns the office by instrument in writing addressed to the Minister, or
  - (d) is removed from office by the Minister under this section, or
  - (e) is absent from 3 consecutive meetings of the Board of which reasonable notice has been given to the member personally or by post, except on leave granted by the Minister or unless the member is excused by the Minister for having been absent from those meetings, or
  - (f) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with the member's creditors or makes an assignment of the member's remuneration for the creditors' benefit, or
  - (g) becomes a mentally incapacitated person, or
  - (h) is convicted in New South Wales of an offence that is punishable by imprisonment for 12 months or more or is convicted elsewhere than in New South Wales of an offence that, if committed in New South Wales, would be an offence so punishable.
- (2) The Minister may remove an appointed member from office at any time.

#### 6 Filling of vacancy in office of appointed member

If the office of an appointed member becomes vacant, a person is, subject to this Act and the regulations, to be appointed to fill the vacancy.

**7 Chairperson**

- (1) A person appointed as the Chairperson vacates office as Chairperson if the person—
  - (a) is removed from that office by the Minister under this section, or
  - (b) resigns that office by instrument in writing addressed to the Minister, or
  - (c) ceases to be a member of the Board.
- (2) The Minister may at any time remove the Chairperson from office as Chairperson.

**8 Disclosure of pecuniary interests**

- (1) If—
  - (a) a member has a direct or indirect pecuniary interest in a matter being considered or about to be considered at a meeting of the Board, and
  - (b) the interest appears to raise a conflict with the proper performance of the member's duties in relation to the consideration of the matter,the member must, as soon as possible after the relevant facts have come to the member's knowledge, disclose the nature of the interest at a meeting of the Board.
- (2) A disclosure by a member at a meeting of the Board that the member—
  - (a) is a member, or is in the employment, of a specified company or other body, or
  - (b) is a partner, or is in the employment, of a specified person, or
  - (c) has some other specified interest relating to a specified company or other body or to a specified person,is a sufficient disclosure of the nature of the interest in a matter relating to that company or other body or to that person that may arise after the date of the disclosure and that is required to be disclosed under subsection (1).
- (3) Particulars of a disclosure made under this section must be recorded by the Board in a book kept for the purpose and that book must be open at all reasonable hours to inspection by any person on payment of the fee determined by the Board.
- (4) After a member has disclosed the nature of an interest in a matter, the member must not, unless the Minister or the Board otherwise determines—
  - (a) be present during a deliberation of the Board with respect to the matter, or
  - (b) take part in a decision of the Board with respect to the matter.
- (5) For the purposes of the making of a determination by the Board under subsection (4), a member who has a direct or indirect pecuniary interest in a matter to which the disclosure relates must not—
  - (a) be present during a deliberation of the Board for the purpose of making the determination, or
  - (b) take part in the making by the Board of the determination.
- (6) A contravention of this section does not invalidate a decision of the Board.
- (7) This section applies to a member of a committee of the Board and the committee in the same way as it applies to a member of the Board and the Board.

**9 Effect of certain other Acts**

- (1) The provisions of the *Government Sector Employment Act 2013* relating to the employment of Public Service employees do not apply to an appointed member.
- (2) If by or under an Act provision is made—



- (a) requiring a person who is the holder of a specified office to devote the whole of his or her time to the duties of that office, or
- (b) prohibiting the person from engaging in employment outside the duties of that office,

the provision does not operate to disqualify the person from holding that office and also the office of an appointed member or from accepting and retaining remuneration payable to the person under this Act as a member.

## Part 3 Procedure

### 10 General procedure

The procedure for the calling of meetings of the Board and for the conduct of business at those meetings is, subject to this Act and the regulations, to be as determined by the Board.

### 11 Quorum

The quorum for a meeting of the Board is a majority of its members for the time being.

### 12 Presiding member

- (1) The Chairperson or, in the absence of the Chairperson, a person elected by the members of the Board who are present at a meeting of the Board is to preside at a meeting of the Board.
- (2) The presiding member has a deliberative vote and, in the event of an equality of votes, has a second or casting vote.

### 13 Voting

A decision supported by a majority of the votes cast at a meeting of the Board at which a quorum is present is the decision of the Board.

### 14 Transaction of business outside meetings or by telephone etc

- (1) The Board may, if it thinks fit, transact any of its business by the circulation of papers among all the members of the Board for the time being, and a resolution in writing approved in writing by a majority of those members is taken to be a decision of the Board made at a meeting of the Board.
- (2) The Board may, if it thinks fit, transact any of its business at a meeting at which members (or some members) participate by telephone or other electronic means, but only if a member who speaks on a matter before the meeting can be heard by the other members.
- (3) For the purposes of—
  - (a) the approval of a resolution under subsection (1), or
  - (b) a meeting held in accordance with subsection (2),the Chairperson and each other member have the same voting rights as they have at an ordinary meeting of the Board.
- (4) A resolution approved under subsection (1) is, subject to the regulations, to be recorded in the minutes of the meetings of the Board.
- (5) Papers may be circulated among the members for the purposes of subsection (1) by electronic means.

**15 First meeting**

The Minister may call the first meeting of the Board in the way the Minister thinks fit.

## Schedule 2 Constitution and procedure of community trustee board

Section 30(2)(c)

### Part 1 General

#### 1 Definitions

In this Schedule—

*board* means a community trustee board.

*Chairperson* means the Chairperson of a board.

### Part 2 Constitution

#### 2 Terms of office of members

- (1) Subject to this Schedule and the regulations, a member holds office for the period, not more than 2 years, specified in the member's instrument of appointment.
- (2) A member is eligible, if otherwise qualified, for re-appointment but not for more than 2 consecutive terms.

#### 3 Part-time appointments

Members hold office as part-time members on a voluntary basis and are not entitled to remuneration.

#### 4 Vacancy in office of member

- (1) The office of a member becomes vacant if the member—
  - (a) dies, or
  - (b) completes a term of office and is not re-appointed, or
  - (c) resigns the office by instrument in writing addressed to the Chairperson of the Trust, or
  - (d) is removed from office by the Chairperson of the Trust under this section, or
  - (e) is absent from 3 consecutive meetings of the board of which reasonable notice has been given to the member personally or by post, except on leave granted by the Chairperson or unless the member is excused by the Chairperson for having been absent from those meetings, or
  - (f) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with the member's creditors or makes an assignment of the member's remuneration for the creditors' benefit, or
  - (g) becomes a mentally incapacitated person, or
  - (h) is convicted in New South Wales of an offence that is punishable by imprisonment for 12 months or more or is convicted elsewhere than in New South Wales of an offence that, if committed in New South Wales, would be an offence so punishable.
- (2) The Chairperson of the Trust may remove a member from office at any time.

#### 5 Filling of vacancy in office of appointed member

If the office of an appointed member becomes vacant, a person is, subject to this Act and the regulations, to be appointed to fill the vacancy.

## 6 Chairperson

- (1) The Chairperson vacates office as Chairperson if the Chairperson—
  - (a) is removed from that office by the Chairperson of the Trust under this section, or
  - (b) resigns that office by instrument in writing addressed to the Chairperson of the Trust, or
  - (c) ceases to be a member of the board.
- (2) The Chairperson of the Trust may at any time remove the Chairperson from office as Chairperson.

## 7 Disclosure of pecuniary interests

- (1) If—
  - (a) a member has a direct or indirect pecuniary interest in a matter being considered or about to be considered at a meeting of the board, and
  - (b) the interest appears to raise a conflict with the proper performance of the member's duties in relation to the consideration of the matter,the member must, as soon as possible after the relevant facts have come to the member's knowledge, disclose the nature of the interest at a meeting of the board.
- (2) A disclosure by a member at a meeting of the board that the member—
  - (a) is a member, or is in the employment, of a specified company or other body, or
  - (b) is a partner, or is in the employment, of a specified person, or
  - (c) has some other specified interest relating to a specified company or other body or to a specified person,is a sufficient disclosure of the nature of the interest in a matter relating to that company or other body or to that person that may arise after the date of the disclosure and that is required to be disclosed under subsection (1).
- (3) Particulars of a disclosure made under this section must be recorded by the board in a book kept for the purpose and that book must be open at all reasonable hours to inspection by a person on payment of the fee determined by the board.
- (4) After a member has disclosed the nature of an interest in a matter, the member must not, unless the Chairperson of the Trust or the board otherwise determines—
  - (a) be present during a deliberation of the board with respect to the matter, or
  - (b) take part in a decision of the board with respect to the matter.
- (5) For the purposes of the making of a determination by the board under subsection (4), a member who has a direct or indirect pecuniary interest in a matter to which the disclosure relates must not—
  - (a) be present during a deliberation of the board for the purpose of making the determination, or
  - (b) take part in the making by the board of the determination.
- (6) A contravention of this section does not invalidate a decision of the board.
- (7) This section applies to a member of a committee of the board and the committee in the same way as it applies to a member of the board and the board.

## 8 Effect of certain other Acts

If by or under an Act provision is made—

- (a) requiring a person who is the holder of a specified office to devote the whole of the person's time to the duties of that office, or
- (b) prohibiting the person from engaging in employment outside the duties of that office,

the provision does not operate to disqualify the person from holding that office and also the office of a member or from accepting and retaining remuneration payable to the person under this Act as a member.

## Part 3 Procedure

### 9 General procedure

The procedure for the calling of meetings of the board and for the conduct of business at those meetings is, subject to this Act and the regulations, to be as determined by the board.

### 10 Quorum

The quorum for a meeting of the board is a majority of its members for the time being.

### 11 Presiding member

- (1) The Chairperson or, in the absence of the Chairperson, a person elected by the members of the board who are present at a meeting of the board is to preside at a meeting of the board.
- (2) The presiding member has a deliberative vote and, in the event of an equality of votes, has a second or casting vote.

### 12 Voting

A decision supported by a majority of the votes cast at a meeting of the board at which a quorum is present is the decision of the board.

### 13 Transaction of business outside meetings or by telephone etc

- (1) The board may, if it thinks fit, transact any of its business by the circulation of papers among all the members of the board for the time being, and a resolution in writing approved in writing by a majority of those members is taken to be a decision of the board made at a meeting of the board.
- (2) The board may, if it thinks fit, transact any of its business at a meeting at which members (or some members) participate by telephone or other electronic means, but only if a member who speaks on a matter before the meeting can be heard by the other members.
- (3) For the purposes of—
  - (a) the approval of a resolution under subsection (1), or
  - (b) a meeting held in accordance with subsection (2),the Chairperson and each other member have the same voting rights as they have at an ordinary meeting of the board.
- (4) A resolution approved under subsection (1) is, subject to the regulations, to be recorded in the minutes of the meetings of the board.
- (5) Papers may be circulated among the members for the purposes of subsection (1) by electronic means.

**14 First meeting**

The chief executive may call the first meeting of the board in the way the chief executive thinks fit.

## Schedule 3 Savings and transitional provisions

### Part 1 General

#### 1 Transitional regulation-making power

- (1) The regulations may contain provisions of a savings or transitional nature (a savings or transitional provision) consequent on the commencement of—
  - (a) a provision of this Act, or
  - (b) a provision amending this Act.
- (2) A savings or transitional provision consequent on the commencement of a provision must not be made more than 2 years after the commencement.
- (3) A savings or transitional provision made consequent on the commencement of a provision is repealed 2 years after the commencement.
- (4) A savings or transitional provision made consequent on the commencement of a provision may take effect before the commencement but not before—
  - (a) for a provision of this Act—the date of assent to this Act, or
  - (b) for a provision amending this Act—the date of assent to the amending Act.
- (5) A savings or transitional provision taking effect before its publication on the NSW legislation website does not, before its publication—
  - (a) affect the rights of a person in a way prejudicial to the person, or
  - (b) impose liabilities on a person for anything done or omitted to be done.
- (6) In this section—

*person* does not include—

  - (a) the State, or
  - (b) an authority of the State.

### Part 2 Provisions consequent on the enactment of this Act

#### 2 Approved consultation and engagement framework

Despite section 28, the Trust is not required to have an approved consultation and engagement framework for the parklands estate until the day that is 2 years after that section commences.

## Schedule 4 Dictionary

section 4

**advisory committee** means a committee established under section 12.

**appointed member**—see section 8(3)(b).

**approved consultation and engagement framework** means the consultation and engagement framework prepared by the Trust and approved by the Minister under Part 4, Division 1.

**associated Trust** means a Trust established under associated Trusts legislation.

**associated Trusts estate** means all land owned or managed by the associated trusts.

**associated Trusts legislation** means the following Acts, and regulations made under the Acts—

- (a) the *Callan Park (Special Provisions) Act 2002*,
- (b) the *Centennial Park and Moore Park Trust Act 1983*,
- (c) the *Parramatta Park Trust Act 2001*,
- (d) the *Western Sydney Parklands Act 2006*.

**authorised officer** means—

- (a) a ranger, or
- (b) a police officer.

**authorised person** means—

- (a) a board member, or
- (b) a trust staff member, or
- (c) the head of a government sector agency or another member of the staff of a government sector agency, or
- (d) a person who is a member of a class of persons prescribed by the regulations.

**Board** means the Board of the Trust established under section 8.

**chief executive** means the chief executive of the Trust appointed under section 13.

**community trustee board** means a board established under section 36.

**exercise** a function includes perform a duty.

**function** includes a power, authority or duty.

**Fund**—see section 40.

**government sector agency** has the same meaning as in the *Government Sector Employment Act 2013*, section 3(1) and includes a State owned corporation.

**Greater Sydney** means the area consisting of—

- (a) the Greater Sydney Region within the meaning of the *Greater Sydney Commission Act 2015*, and
- (b) the Central Coast local government area.

**GSPT estate** means—

- (a) all parklands owned or managed by the Trust, and
- (b) supplementary land owned or managed by the Trust.

**parklands estate** means all parklands owned or managed by the Trust, including the GSPT estate and associated Trusts estate.

**ranger** means a person appointed under section 44.

**supplementary land** means land outside the parklands estate that is owned or managed by the Trust.

**Transport for NSW** has the same meaning as in the *Transport Administration Act 1988*.



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# public consultation draft

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Greater Sydney Parklands Trust Bill 2021 [NSW]  
Schedule 4 Dictionary

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***Trust*** means the Greater Sydney Parklands Trust.

## Schedule 5 Amendment of Acts

### 5.1 Callan Park (Special Provisions) Act 2002 No 139

#### [1] Section 3 Definitions

Insert in alphabetical order in section 3—

*community trustee board* has the same meaning as in the *Greater Sydney Parklands Trust Act 2021*.

*Trust* means the Greater Sydney Parklands Trust constituted under the *Greater Sydney Parklands Trust Act 2021*.

#### [2] Section 5A

Insert after section 5—

##### 5A Acquisition of substratum for public purpose

- (1) Despite section 5, the substratum of Callan Park, or a part of Callan Park, may be acquired for a public purpose.
- (2) In this section—  
*public purpose* has the same meaning as in the *Land Acquisition (Just Terms Compensation) Act 1991*.

#### [3] Sections 6A and 6B

Insert after section 6—

##### 6A Power to grant certain longer-term leases

- (1) The Trust may grant a lease over the part of Callan Park constituted by the relevant premises for a purpose, including a commercial purpose, that is consistent with the Trust's functions.  
**Example.** a lease for a restaurant
- (2) A lease under subsection (1) must be—
  - (a) granted for a term of not more than 50 years, and
  - (b) approved by the Minister after consulting with a community trust board established for Callan Park.
- (3) The Trust must not grant a lease over the relevant premises unless the Trust has—
  - (a) given public notice of the proposed lease as required by subsections (4) and (5), and
  - (b) considered submissions made under subsection (6), and
  - (c) given the Minister, when seeking the Minister's approval of the proposed lease, copies of the submissions.
- (4) The Trust must give notice of a proposed lease by—
  - (a) publishing notice of the proposed lease in the way the Trust considers appropriate, and
  - (b) exhibiting notice of the proposed lease on the Trust lands subject to the proposed lease.
- (5) A notice under subsection (4)(a) and (b) must include the following—
  - (a) information that identifies the Trust lands subject to the proposed lease,

- (b) the purpose for which the Trust lands will be used under the proposed lease,
  - (c) the term of the proposed lease, including particulars of options for renewal,
  - (d) the name of the person, if known, to whom it is proposed to grant the proposed lease,
  - (e) a statement that written submissions about the proposed lease may be made to the Trust during the period, not less than 28 days, stated in the notice.
- (6) A person may make a written submission about the proposed lease to the Trust within the period stated in the notice.
- (7) In this section—  
*relevant premises* means the following—
- (a) Kirkbride,
  - (b) Broughton Hall,
  - (c) the Convalescence Cottages.

**6B Priority to be given to not-for-profit uses of Callan Park**

- (1) This section applies if—
- (a) the Minister or the Trust is making a decision about granting, consenting to or otherwise approving any of the following under this Act—
    - (i) the lease of a building or a part of a building, or any land, within Callan Park,
    - (ii) a license allowing the use of a building or part of building, or any land, within Callan Park,
    - (iii) another activity carried out in a building or part of a building, or any land, within Callan Park, and
  - (b) the lease or licence may be granted, or the other activity carried out, for—
    - (i) a not-for-profit purpose, or
    - (ii) a for-profit purpose.
- (2) In making the decision, the Minister or Trust must give priority to the lease or licence being granted to, or activity being carried out, for a not-for-profit purpose.

**[4] Section 7 Development at Callan Park restricted**

Omit section 7(1) and (2).

**[5] Section 7(3)**

Omit the subsection. Insert instead—

- (3) Development may be carried out at Callan Park, with development consent, for the following purposes but development for the purpose of retirement villages is prohibited—
- (a) arts and culture facilities,
  - (b) community facilities,
  - (c) educational facilities,

- (d) food and drink premises,
- (e) health facilities,
- (f) temporary structures.

**[6] Section 7(5) and (5A)**

Omit the second sentence from subsection (5). Insert after the subsection—

- (5A) Subsection (5) does not prevent the erection of the following outside the footprints or building envelopes of the existing buildings—
  - (a) accessibility structures,
  - (b) minor modifications,
  - (c) temporary structures.

**[7] Section 7(9), definition of “educational facility”**

Omit “on a not-for-profit basis”.

**[8] Sections 8 and 8A**

Omit section 8. Insert instead—

**8 Community trustee boards**

- (1) This section applies if there is a community trustee board for Callan Park.
- (2) The Trust must, in exercising its functions in relation to Callan Park—
  - (a) consult with the community trustee board, and
  - (b) have regard to the advice and recommendation of the board in relation to Callan Park.
- (3) Without limiting subsection (2), the Trust must consult with and have regard to the advice of a community trustee board established for Callan Park about the following—
  - (a) the development and review of the plan of management for Callan Park,
  - (b) proposed new or modified services and facilities for Callan Park,
  - (c) matters of local relevance to Callan Park, including the protection and use of Callan Park and the business and other activities carried out, or to be carried out, on Callan Park.
- (4) In this section—  
*Callan Park* includes a part of Callan Park.

**8A Compliance with approved consultation and engagement framework**

- (1) The Trust must, in exercising its functions in relation to consultation and engagement with any of the following, comply with the approved consultation and engagement framework—
  - (a) the community generally,
  - (b) visitors and other users of Callan Park,
  - (c) a community trustee board established for Callan Park,
  - (d) other stakeholders.
- (2) In this section—

*approved consultation and engagement framework* means the consultation and engagement framework approved by the Minister under the *Greater Sydney Parklands Trust Act 2021*.

## 5.2 Centennial Park and Moore Park Trust Act 1983 No 145

### [1] Section 4 Definitions

Insert in alphabetical order in section 4(1)—

*approved consultation and engagement framework* means the consultation and engagement framework approved by the Minister under the *Greater Sydney Parklands Trust Act 2021*.

*authorised person* means—

- (a) a police officer, or
- (b) an authorised officer appointed under section 16.

*Greater Sydney Parklands Trust* has the same meaning as in the *Greater Sydney Parklands Trust Act 2021*.

### [2] Section 7 Appointment and procedure

Omit section 7(1). Insert instead—

- (1) The Trust consists of the following members—
  - (a) the Chief Executive,
  - (b) the 7 appointed members of the Board of the Greater Sydney Parklands Trust.

### [3] Section 9 Functions of Trust

Omit “shall have, and may exercise, such functions, in addition to those specified in this section, as are reasonably necessary for the attainment of its objects, but” from section 9(10).

### [4] Section 9(10)

Omit “*Public Authorities (Financial Accommodation) Act 1981*”.

Insert instead “*Government Sector Finance Act 2018*”.

### [5] Section 12A

Insert after section 12—

#### 12A Delegation of Trust’s functions

- (1) The Trust may delegate any of its functions, other than this power of delegation, to an authorised person.
- (2) If authorised by the Trust, an authorised person may subdelegate a function delegated to the person by the Trust.
- (3) In this section—

*authorised person* means—

  - (a) a trustee, or
  - (b) a member of the staff of the Greater Sydney Parklands Trust, or
  - (c) the head of a government sector agency or another member of the staff of a government sector agency, or

- (d) a person who is a member of a class of persons prescribed by the regulations.

**[6] Parts 2A and 3**

Omit the Parts. Insert instead—

**Part 3 Planning, consultation and engagement**

**Division 1 Planning**

**13 Plan of management**

- (1) The Trust must—
- (a) have an approved plan of management for the Trust lands, and
  - (b) give effect to the approved plan of management.
- (2) The approved plan of management must provide a plan to guide the following—
- (a) the use of land within the Trust lands,
  - (b) the development of the Trust lands,
  - (c) activities carried out on parks within the Trust lands,
  - (d) the management and operation of parks within the Trust lands.
- (3) In preparing a proposed plan of management, the Trust must consult with—
- (a) government agencies that manage land within the Trust lands, and
  - (b) any other person or board with whom consultation is required under the approved consultation and engagement framework.
- (4) The Trust must give the proposed plan of management to the Greater Sydney Parklands Trust for that Trust to submit to the Minister for approval.
- (5) The Trust must review the approved plan of management at least every 7 years.
- (6) In this section—
- approved plan of management*** means a plan of management approved by the Minister under the *Greater Sydney Parklands Trust Act 2021*.

**Division 2 Consultation and engagement**

**14 Community trustee boards**

- (1) This section applies if there is a community trustee board for the Trust lands.
- (2) The Trust must, in exercising its functions in relation to the Trust lands—
- (a) consult with the community trust board, and
  - (b) have regard to the advice and recommendation of the board in relation to the Trust lands.
- (3) Without limiting subsection (2), the Trust must consult with and have regard to the advice of a community trustee board established for the Trust lands about the following—
- (a) the development and review of the plan of management for the Trust lands,
  - (b) proposed new or modified services and facilities for the Trust lands,

- (c) matters of local relevance to the Trust lands, including the protection and use of the Trust lands and the business and other activities carried out, or to be carried out, on the Trust lands.
- (4) In this section—  
*Trust lands* includes a part of the Trust lands.

## **15 Compliance with approved consultation and engagement framework**

- (1) The Trust must, in exercising its functions in relation to consultation and engagement with any of the following, comply with the approved consultation and engagement framework—
  - (a) the community generally,
  - (b) visitors and other users of the Trust lands,
  - (c) a community trustee board,
  - (d) other stakeholders.
- (2) In this section—  
*approved consultation and engagement framework* means the consultation and engagement framework approved by the Minister under the *Greater Sydney Parklands Trust Act 2021*.

## **Part 4 Enforcement and legal proceedings**

### **Division 1 Authorised officers**

#### **16 Appointment**

- The Trust may appoint the following to be an authorised officer for this Act—
- (a) a person employed in the Public Service,
  - (b) a person who is a member of a class prescribed by the regulations.

#### **17 Functions**

- An authorised officer has the functions conferred by—
- (a) this Act, or
  - (b) the regulations.

#### **18 Identification card**

- (1) The Trust must issue each authorised officer with an identification card.
- (2) An identification card must—
  - (a) state that it is issued under this Act, and
  - (b) give the name of the person to whom it is issued, and
  - (c) describe the nature of the powers conferred on the person, and
  - (d) state the date on which the card expires, and
  - (e) be signed by the Chief Executive.
- (3) In exercising functions under this Act, an authorised officer must, if asked by a person affected by the exercise of a function, produce the authorised officer's identification card to the person.

## Division 2 Offences

### 18AA Parking offences

- (1) A driver of a vehicle must not park the vehicle on or in a non-parking area.
- (2) In this section—  
*non-parking area* means an area of the Trust lands that—
  - (a) is shown on a map, published in the regulations, as being an area in or on which parking is not allowed, or
  - (b) otherwise described in the regulations as being an area in or on which parking is not allowed.

### 18A Requirement for owner of vehicle and others to give information

- (1) If a driver of a vehicle is alleged to have committed an offence against this Act or the regulations, an authorised officer may require—
  - (a) the owner of the vehicle or another person having custody of the vehicle to immediately give the officer information about the name and residential address of the driver, or
  - (b) another person to give the officer information that—
    - (i) is in the person's power to give, and
    - (ii) may lead to the identification of the driver.
- (2) A requirement under subsection (1)(a) may require the owner or other person to give the information in a written statement signed by the owner or person.
- (3) A person of whom a requirement is made under subsection (1)(a) or (b) must, unless the person has a reasonable excuse, comply with the requirement.  
Maximum penalty—10 penalty units.
- (4) It is a defence to a prosecution for an offence against subsection (1)(a) if the defendant satisfies the court the defendant did not know, and could not with reasonable diligence have ascertained, the driver's name or residential address.
- (5) If a written statement purporting to be given under subsection (1)(a) and to contain the name and residential address of the driver of a vehicle at the time of the commission of an alleged offence against this Act or the regulations is produced in a court in proceedings against the person named in the statement as the driver for the offence, the statement is evidence, without proof of signature, that the person was the driver of the vehicle at the time of the alleged offence if the person does not appear before the court.
- (6) In this section—  
*owner*, of a vehicle, includes the responsible person for the vehicle within the meaning of the *Road Transport Act 2013*.

### 18D Offences by corporations

- (1) This section applies if a corporation commits an offence against this Act or the regulations.
- (2) Each of the following persons is taken to have committed the same offence if the person knowingly authorised or permitted the act or omission constituting the offence—
  - (a) a director of the corporation,
  - (b) another person concerned in the management of the corporation.



- (3) Subsection (2) does not apply to an offence against section 18A(1).
- (4) Proceedings may be brought against a person mentioned in subsection (2), and the person convicted, whether or not—
  - (a) proceedings are brought against the corporation, or
  - (b) the corporation is convicted of an offence.
- (5) This section does not affect any liability imposed on a corporation for an offence committed by the corporation.

### **Division 3 Legal proceedings**

#### **18F Proof of certain matters not required**

In a legal proceeding under this Act, proof is not required, unless evidence is given to the contrary, of the following matters—

- (a) the constitution of the Trust,
- (b) a resolution of the Trust,
- (c) the appointment of, or the holding of office by, a trustee,
- (d) the presence of a quorum at a meeting of the Trust.

#### **18G Compensation for loss or damage to Trust property**

- (1) This section applies if—
  - (a) a person is convicted of an offence against this Act or the regulations, and
  - (b) the court before whom the person was convicted is satisfied the commission of the offence caused or resulted in loss or damage to trust lands or other property of the Trust.
- (2) The court may order the person to pay to the Trust the amount the court thinks appropriate by way of compensation for the loss or damage.
- (3) The court may make an order under subsection (2) whether or not it imposes a penalty for the offence.
- (4) An order made by a court under the *Crimes (Sentencing Procedure) Act 1999*, section 10 in proceedings for an offence against this Act or the regulations is, for subsection (1), taken to be a conviction of the offence.

#### **18H Recovery of money owing to Trust**

A charge, fee or other money owing to the Trust may be recovered by the Trust as a debt due in a court of competent jurisdiction.

#### **[7] Section 15 Delegation of Trust's functions**

Omit the section.

#### **[8] Section 20 Grant of leases, easements and licences**

Omit section 20(2). Insert instead—

- (2) The Trust may grant a lease over any part of the Trust lands for a purpose, including a commercial purpose, that would directly or indirectly help the Trust achieve its objects.

**Example.** a lease for a restaurant

(2A) A lease under subsection (2) must be granted on the terms and conditions approved by the Minister.

**[9] Section 20(3)**

Omit “The Trust”. Insert instead “Without limiting subsection (2A), the Trust”.

**[10] Section 20(3)**

Omit “50 years”. Insert instead “25 years”.

**[11] Section 20(3A)–(3C)**

Insert after section 20(3)—

(3A) Also, the Trust may grant—

(a) an easement through, on or in the Trust lands for the following purposes—

- (i) the construction of pipelines, the laying or re-laying of cables or the construction of apparatus to be used in connection with the pipelines or cables,
- (ii) providing access to dwellings situated on or within Trust lands,
- (iii) another purpose the Trust considers necessary that would directly or indirectly help the Trust achieve its objects, and

(b) a licence for the use of part of the Trust lands.

(3B) An easement or licence under subsection (3A) must be granted on the terms and conditions approved by the Minister.

(3C) The Minister’s consent or approval under this section may be—

(a) given in relation to—

- (i) particular land or a class of land, or
- (ii) a particular lease, easement or licence or a class of leases, easements or licences, and

(b) subject to conditions, including a condition about public consultation that is consistent with the approved consultation and engagement framework, and

(c) amended from time to time.

**[12] Section 20(4)**

Omit “subsection (2)(b)”. Insert instead “subsection (3A)(a)”.

**[13] Section 20(5)**

Omit “subsection (2)(c)”. Insert instead “subsection (3A)(b)”.

**[14] Section 20(5)**

Omit “and upon such terms and conditions as are approved by the Minister”.

**[15] Section 23 Liability of vehicle owner for certain offences**

Transfer the section to Part 4, Division 2, after section 18A, and renumber as section 18B.

**[16] Section 24 Penalty notices**

Transfer the section to Part 4, Division 2, before section 18D, and renumber as section 18C.

**[17] Section 25 Proceedings for offences**

Transfer the section to Part 4, Division 3, before section 18F and renumber as section 18E.

**[18] Section 26 Repeal of Act 51 Vic No 9 and Act No 23, 1904**

Omit the section.

**5.3 Parramatta Park Trust Act 2001 No 17**

**[1] Section 3 Definitions**

Insert in alphabetical order in section 3(1)—

*approved consultation and engagement framework* means the consultation and engagement framework approved by the Minister under the *Greater Sydney Parklands Trust Act 2021*.

*Greater Sydney Parklands Trust* has the same meaning as in the *Greater Sydney Parklands Trust Act 2021*.

**[2] Section 5 Appointment and procedure of trustees**

Omit section 5(1). Insert instead—

- (1) The Trust consists of the following members—
  - (a) the Chief Executive,
  - (b) the 7 members of the Board of the Greater Sydney Parklands Trust.

**[3] Section 9AA**

Insert after section 9—

**9AA Acquisition of substratum for public purpose**

- (1) Despite section 9, the substratum of the principal trust lands, or a part of the principal trust lands, may be acquired for a public purpose.
- (2) In this section—

*public purpose* has the same meaning as in the *Land Acquisition (Just Terms Compensation) Act 1991*.

**[4] Part 5**

Omit the Part. Insert instead—

**Part 5 Planning, consultation and engagement**

**Division 1 Planning**

**15 Plan of management**

- (1) The Trust must—
  - (a) have an approved plan of management for the trust lands, and
  - (b) give effect to the approved plan of management.
- (2) The approved plan of management must provide a plan to guide the following within the trust lands—
  - (a) the use of land within the trust lands,
  - (b) the development of the trust lands,
  - (c) activities carried out on parks within the trust lands,

- (d) the management and operation of parks within the trust lands.
- (3) In preparing a proposed plan of management, the Trust must consult with—
  - (a) government agencies that manage trust lands,
  - (b) any other person or board with whom consultation is required under the approved consultation and engagement framework.
- (4) The Trust must give the proposed plan of management to the Greater Sydney Parklands Trust for that Trust to submit to the Minister for approval.
- (5) The Trust must review the approved plan of management at least every 7 years.
- (6) In this section—  
***approved plan of management*** means a plan of management approved by the Minister under the *Greater Sydney Parklands Trust Act 2021*.

## **Division 2 Consultation and engagement**

### **16 Community trustee boards**

- (1) This section applies if there is a community trustee board for the trust lands.
- (2) The Trust must, in exercising its functions in relation to the trust lands—
  - (a) consult with the community trust board, and
  - (b) have regard to the advice and recommendation of the board in relation to the trust lands.
- (3) Without limiting subsection (2), the Trust must consult with and have regard to the advice of a community trustee board established for the trust lands about the following—
  - (a) the development and review of the plan of management for the trust lands,
  - (b) proposed new or modified services and facilities for the trust lands,
  - (c) matters of local relevance to the trust lands, including the protection and use of the trust lands and the business and other activities carried out, or to be carried out, on the trust lands.
- (4) In this section—  
***trust lands*** includes a part of the trust lands.

### **17 Compliance with approved consultation and engagement framework**

The Trust must, in exercising its functions in relation to consultation and engagement with any of the following, comply with the approved consultation and engagement framework.

- (a) the community generally,
- (b) visitors and other users of the trust lands,
- (c) a community trustee board,
- (d) other stakeholders.

### **[5] Section 21 Staff**

Omit the section.

**[6] Section 23**

Omit the section. Insert instead—

**23 Delegation of Trust's functions**

- (1) The Trust may delegate any of its functions, other than this power of delegation, to an authorised person.
- (2) If authorised by the Trust, an authorised person may subdelegate a function delegated to the person by the Trust.
- (3) In this section—  
*authorised person* means—
  - (a) a trustee, or
  - (b) a member of the staff of the Greater Sydney Parklands Trust, or
  - (c) the head of a government sector agency or another member of the staff of a government sector agency, or
  - (d) a person who is a member of a class of persons prescribed by the regulations.

**5.4 Western Sydney Parklands Act 2006 No 92**

**[1] Section 3 Definitions**

Insert in alphabetical order in section 3(1)—

*approved consultation and engagement framework* means the consultation and engagement framework approved by the Minister under the *Greater Sydney Parklands Trust Act 2021*.

*authorised officer* means—

- (a) a ranger, or
- (b) a police officer.

*Greater Sydney Parklands Trust* has the same meaning as in the *Greater Sydney Parklands Trust Act 2021*.

**[2] Section 7 Trust Board**

Omit section 7(2). Insert instead—

- (2) The Board consists of the following members—
  - (a) the Chief Executive,
  - (b) the 7 appointed members of the Board of the Greater Sydney Parklands Trust.

**[3] Section 7(4)**

Omit the subsection.

**[4] Section 8 Chief Executive of Trust**

Insert after section 8(1)—

- (1A) The Chief Executive is subject to the control and direction of the Board.

**[5] Section 9A Staff**

Omit the section.

**[6] Part 4 Western Sydney Parklands**

Omit Divisions 2–4. Insert instead—

**Division 2 Planning**

**23 Plan of management**

- (1) The Trust must—
  - (a) have an approved plan of management for the Parklands, and
  - (b) give effect to the approved plan of management.
- (2) The approved plan of management must provide a plan to guide the following within the Parklands—
  - (a) the use of land within the Parklands,
  - (b) the development of the Parklands,
  - (c) activities carried out on parks within the Parklands,
  - (d) the management and operation of parks within the Parklands.
- (3) In preparing a proposed plan of management, the Trust must consult with—
  - (a) government agencies that manage Trust land, and
  - (b) any other person or board with whom consultation is required under the approved consultation and engagement framework.
- (4) The Trust must give the proposed plan of management to the Greater Sydney Parklands Trust for that Trust to submit to the Minister for approval.
- (5) The Trust must review the approved plan of management at least every 7 years.
- (6) In this section—

***approved plan of management*** means a plan of management approved by the Minister under the *Greater Sydney Parklands Trust Act 2021*.

**Division 3 Consultation and engagement**

**24 Community trustee boards**

- (1) This section applies if there is a community trustee board for the Parklands.
- (2) The Trust must, in exercising its functions in relation to the Parklands—
  - (a) consult with the community trust board, and
  - (b) have regard to the advice and recommendation of the board in relation to the Parklands.
- (3) Without limiting subsection (2), the Trust must consult with and have regard to the advice of a community trustee board established for the Parklands about the following—
  - (a) the development and review of the plan of management for the Parklands,
  - (b) proposed new or modified services and facilities for the Parklands,
  - (c) matters of local relevance to the Parklands, including the protection and use of the Parklands and the business and other activities carried out, or to be carried out, on the Parklands.
- (4) In this section—

*Parklands* includes a part of the Parklands.

**25 Compliance with approved consultation and engagement framework**

- (1) The Trust must, in exercising its functions in relation to consultation and engagement with any of the following, comply with the approved consultation and engagement framework.
  - (a) the community generally,
  - (b) visitors and other users of the Parklands,
  - (c) a community trustee board,
  - (d) other stakeholders.
- (2) In this section—

*approved consultation and engagement framework* means the consultation and engagement framework approved by the Minister under the *Greater Sydney Parklands Trust Act 2021*.

**[7] Part 5A**

Insert after section 42—

**Part 5A Enforcement and legal proceedings**

**Division 1 Authorised officers**

**Division 2 Offences**

**42B Requirement to state name and address**

- (1) An authorised officer who reasonably suspects a person of having committed an offence against this Act or the regulations may require the person to state the person's full name and residential address.
- (2) An authorised officer may require the driver of a vehicle on trust land to—
  - (a) produce the driver's driver licence, and
  - (b) state the driver's full name and residential address.
- (3) A person must not—
  - (a) fail to comply with a requirement under subsection (1) or (2), or
  - (b) in purporting to comply with a requirement under subsection (1) or (2)—
    - (i) state a name that is not the person's name, or
    - (ii) state an address that is not the person's residential address.

Maximum penalty—10 penalty units.
- (4) A person is not guilty of an offence under this section unless it is established that the authorised officer warned the person that a failure to comply with a requirement of this section is an offence.

**42BA Requirement for owner of vehicle and others to give information**

- (1) If a driver of a vehicle is alleged to have committed an offence against this Act or the regulations, an authorised officer may require—

- (a) the owner of the vehicle or another person having custody of the vehicle to immediately give the officer information about the name and residential address of the driver, or
- (b) another person to give the officer information that—
  - (i) is in the person's power to give, and
  - (ii) may lead to the identification of the driver.
- (2) A requirement under subsection (1)(a) may require the owner or other person to give the information in a written statement signed by the owner or person.
- (3) A person of whom a requirement is made under subsection (1)(a) or (b) must, unless the person has a reasonable excuse, comply with the requirement.  
Maximum penalty—10 penalty units.
- (4) It is a defence to a prosecution for an offence against subsection (1)(a) if the defendant satisfies the court the defendant did not know, and could not with reasonable diligence have ascertained, the driver's name or residential address.
- (5) If a written statement purporting to be given under subsection (1)(a) and to contain the name and residential address of the driver of a vehicle at the time of the commission of an alleged offence against this Act or the regulations is produced in a court in proceedings against the person named in the statement as the driver for the offence, the statement is evidence, without proof of signature, that the person was the driver of the vehicle at the time of the alleged offence if the person does not appear before the court.
- (6) In this section—  
**owner**, of a vehicle, includes the responsible person for the vehicle within the meaning of the *Road Transport Act 2013*.

#### **42C Liability of vehicle owner for certain offences**

- (1) This section applies if this Act or the regulations provide for an offence in relation to a vehicle.
- (2) The person who, at the time of the offence, is the owner of the vehicle is guilty of the offence as if the person were the actual offender.
- (3) Subsection (2) does not apply if the owner of the vehicle—
  - (a) for an offence dealt with by penalty notice—
    - (i) satisfies the prescribed officer the vehicle was, at the time of the offence, stolen or otherwise illegally taken or used, or
    - (ii) within 21 days after receiving the penalty notice, gives the prescribed officer an approved nomination notice containing the name and address of the person who was in charge of the vehicle at the time of the offence, or
    - (iii) satisfies the prescribed officer the owner did not know, and could not with reasonable diligence have ascertained, the name and address of the person who was in charge of the vehicle at the time of the offence, or
  - (b) otherwise—
    - (i) satisfies the court the vehicle was at the time of the offence stolen or otherwise illegally taken or used, or
    - (ii) within 21 days after service on the owner of a court attendance notice for the offence, gives the informant an approved



- nomination notice containing the name and address of the person who was in charge of the vehicle at the time of the offence, or
- (iii) satisfies the court the owner did not know, and could not with reasonable diligence have ascertained, the name and address of the person who was in charge of the vehicle at the time of the offence.
- (4) An approved nomination notice may be provided by a person issued with a penalty notice within 90 days of the notice being issued if the approved nomination notice is provided in the circumstances specified in the *Fines Act 1996*, section 23AA or 23AB.
- (5) If the owner of a vehicle gives an approved nomination notice to a prescribed officer or an informant under this section, the prescribed officer or informant may, by written notice served on the owner, require the owner to give a statutory declaration that verifies the nomination contained in the approved nomination notice.
- (6) A statutory declaration under subsection (5), if produced in proceedings against the person named in the declaration and in relation to the offence for which the declaration was given, is prima facie evidence that the person was in charge of the vehicle at the time the offence was committed.
- (7) An approved nomination notice or a statutory declaration that relates to more than one offence is taken not to be an approved nomination notice or statutory declaration for the purposes of this section.
- (8) In this section—  
**approved nomination notice** has the same meaning as in the *Fines Act 1996*, section 38.  
**owner**, of a vehicle, includes the responsible person for the vehicle within the meaning of the *Road Transport Act 2013*.  
**penalty notice** means a penalty notice issued under section 42D.  
**prescribed officer** means the prescribed officer referred to in a penalty notice.

#### 42E Offences by corporations

- (1) This section applies if a corporation commits an offence against this Act or the regulations.
- (2) Each of the following persons is taken to have committed the same offence if the person knowingly authorised or permitted the act or omission constituting the offence—  
(a) a director of the corporation,  
(b) another person concerned in the management of the corporation.
- (3) Subsection (2) does not apply to an offence against section 42BA(1).
- (4) Proceedings may be brought against a person mentioned in subsection (2), and the person convicted, whether or not—  
(a) proceedings are brought against the corporation, or  
(b) the corporation is convicted of an offence.
- (5) This section does not affect any liability imposed on a corporation for an offence committed by the corporation.

### **Division 3 Legal proceedings**

#### **42F Proceedings for offences**

Proceedings for an offence against this Act or the regulations may be dealt with summarily before the Local Court.

#### **42G Proof of certain matters not required**

In a legal proceeding under this Act, proof is not required, unless evidence is given to the contrary, of the following matters—

- (a) the constitution of the Trust,
- (b) a resolution of the Trust,
- (c) the appointment of, or the holding of office by, a trustee,
- (d) the presence of a quorum at a meeting of the Trust.

#### **42H Recovery of fees, charges or other monies**

A charge, fee or other money due to the Trust under this Act is recoverable by the Trust in a court of competent jurisdiction as a debt due to the Crown.

#### **42I Compensation for loss of damage to Trust property**

- (1) This section applies if—
  - (a) a person is convicted of an offence against this Act or the regulations, and
  - (b) the court before whom the person was convicted is satisfied the commission of the offence caused or resulted in loss or damage to trust lands or other property of the Trust.
- (2) The court may order the person to pay to the Trust the amount the court thinks appropriate by way of compensation for the loss or damage.
- (3) The court may make an order under subsection (2) whether or not it imposes a penalty for the offence.
- (4) An order made by a court under the *Crimes (Sentencing Procedure) Act 1999*, section 10 in proceedings for an offence against this Act or the regulations is, for subsection (1), taken to be a conviction of the offence.

#### **[8] Section 46 Recovery of fees and charges**

Omit the section.

#### **[9] Section 47 Rangers**

Transfer the section to Part 5A, Division 1 and renumber as section 42A.

#### **[10] Section 48 Penalty notices**

Omit “A ranger” from section 48(1). Insert instead “An authorised officer”.

#### **[11] Section 48 Penalty notices**

Transfer the section to Part 5A, Division 2, after section 42C, and renumber as section 42D.