



New South Wales

Quarantine Station Preservation Trust Bill 2002

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The Quarantine Station situated on Sydney's North Head is currently part of the Sydney Harbour National Park.

The object of this Bill is to revoke the reservation of the Quarantine Station as part of the Sydney Harbour National Park and to vest the land in a new Trust to be constituted by this Bill.

The new Trust, to be known as the Quarantine Station Preservation Trust, will be responsible for managing the Quarantine Station. The Trust will be similar in nature to the Royal Botanic Gardens and Domain Trust and the Centennial Park and Moore Park Trust.

Outline of provisions

Part 1 Preliminary

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent.

Clause 3 defines certain words and expressions used in the proposed Act.

Part 2 The Quarantine Station Preservation Trust

Clause 4 constitutes the Quarantine Station Preservation Trust.

Clause 5 provides for the Trust to consist of 5 trustees appointed by the Minister, and specifies that further provisions dealing with the trustees and the procedure of the Trust are set out in Schedules 2 and 3.

Part 3 Objects and functions of the Trust

Clause 6 sets out the objects of the Trust.

Clause 7 sets out the functions of the Trust.

Part 4 Property of the Trust

Clause 8 vests certain land described in Schedule 1 to the proposed Act in the Trust. The Governor may by proclamation add land to Schedule 1.

Clause 9 prohibits the Trust from selling, mortgaging or otherwise disposing of the trust lands.

Clause 10 empowers the Trust to acquire property subject to any conditions that are not inconsistent with its objects.

Clause 11 restricts the ability of the Trust to dispose of property that it has acquired by gift, devise or bequest, or any additional trust lands.

Clause 12 empowers the Trust to grant leases of up to 10 years over parts of the trust lands, as well as easements and licences for the use of parts of the trust lands. The Minister's approval is required for such grants.

Part 5 Plan of management for trust lands

Clause 13 requires the Trust to prepare a plan of management for the trust lands.

Clause 14 provides that the Trust must refer a plan of management to the Minister, who may adopt it (with or without alteration) or refer it back to the Trust for further consideration.

Clause 15 provides that the Trust may, in accordance with any directions of the Minister, amend the plan of management or cancel it and substitute a new plan.

Clause 16 requires the Trust to carry out and give effect to a plan of management adopted by the Minister.

Part 6 Administration

Clause 17 provides that the financial year of the Trust is the year commencing on 1 July.

Clause 18 empowers the Trust to establish committees to assist in connection with the exercise of any of its functions.

Clause 19 provides for the Trust to employ a Director and such other persons as may be necessary to enable the Trust to exercise its functions.

Clause 20 provides that the Director is responsible for the administration and management of the trust lands and any services provided in conjunction with the trust lands.

Clause 21 empowers the Trust to delegate its functions to a trustee of the Trust, to a committee of the Trust, to the Director or to any other officer of the Trust.

Part 7 Miscellaneous

Clause 22 revokes the reservation of the trust lands as part of the Sydney Harbour National Park.

Clause 23 allows an authorised officer to require a person reasonably suspected of having committed an offence against the proposed Act or the regulations to provide the person's full name and residential address, and the person's driver licence in the case of a person driving a vehicle.

Clause 24 allows an authorised officer to require the owner of a vehicle to give information about the name and residential address of a driver of the vehicle who is alleged to have committed an offence against the proposed Act or the regulations. Other persons may also be required to give information that may lead to the identification of the driver.

Clause 25 provides for the owner of a vehicle involved in a parking offence on the trust lands to be liable as if the person were the actual offender guilty of the offence, unless the vehicle was at the relevant time a stolen vehicle or a vehicle illegally taken or used.

Clause 26 provides for penalty notices to be issued for certain offences under the Act or the regulations.

Clause 27 provides that in any legal proceedings, certain matters relating to the constitution and procedures of the Trust are not required to be proved until evidence is given to the contrary.

Clause 28 provides that proceedings for an offence against this Act or the regulations are to be dealt with summarily.

Clause 29 provides that if a corporation commits an offence against the proposed Act or the regulations, directors and persons concerned in the management of the corporation are taken to have committed the same offence if they knowingly authorised or permitted it.

Clause 30 empowers a court to order a person convicted of an offence to pay compensation to the Trust where the commission of the offence caused loss or damage to the trust lands or other property of the Trust.

Clause 31 provides that the Trust may recover money due to it as a debt in a court of competent jurisdiction.

Clause 32 empowers the Governor to make regulations.

Clause 33 provides for the making of savings and transitional regulations consequent on the enactment of the proposed Act.

Clause 34 is a formal provision giving effect to the amendments to the Acts specified in Schedule 4.

Schedules

Schedule 1 contains a description of the trust lands being vested in the Trust.

Schedule 2 makes provision for the trustees of the Trust.

Schedule 3 makes provision for the procedure of the Trust.

Schedule 4 makes consequential amendments to other Acts.



New South Wales

Quarantine Station Preservation Trust Bill 2002

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New South Wales

Quarantine Station Preservation Trust Bill 2002

No , 2002

A Bill for

An Act to provide for the management and control of the Quarantine Station at Sydney's North Head; to constitute the Quarantine Station Preservation Trust and define its functions; and for other purposes.

The Legislature of New South Wales enacts: 1

Part 1 Preliminary 2

1 Name of Act 3

This Act is the *Quarantine Station Preservation Trust Act 2002*. 4

2 Commencement 5

This Act commences on the date of assent. 6

3 Definitions 7

(1) In this Act: 8

authorised officer means: 9

(a) a police officer, or 10

(b) a person who is appointed for the time being by the Director as
an authorised officer for the purposes of the provision in which
the expression is used, or 11
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(c) a person (or person belonging to a class or description of
persons) prescribed by the regulations. 14
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Director means the person holding office, or duly acting, as Director
of the Trust. 16
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exercise a function includes perform a duty. 18

function includes a power, authority or duty. 19

Trust means the Quarantine Station Preservation Trust constituted by
this Act. 20
21

trust lands means the land for the time being described in Schedule 1. 22

trustee means a trustee referred to in section 5. 23

(2) Notes included in this Act are explanatory notes and do not form part
of this Act. 24
25

Part 2 The Quarantine Station Preservation Trust

1

4 Constitution of the Trust

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(1) There is constituted by this Act a corporation under the corporate name of the “Quarantine Station Preservation Trust”.

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(2) The Trust:

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(a) has and may exercise the functions conferred or imposed on it by or under this or any other Act, and

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(b) is, for the purposes of any Act, a statutory body representing the Crown, and

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(c) is, in the exercise of its functions, subject to the control and direction of the Minister.

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5 Appointment and procedure of trustees

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(1) The Trust consists of 5 trustees appointed by the Minister.

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(2) The persons appointed as trustees are to include representatives of:

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(a) the National Parks and Wildlife Service, and

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(b) the Heritage Council, and

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(c) the local Aboriginal community, and

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(d) the local community generally.

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(3) Schedule 2 has effect with respect to the trustees.

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(4) Schedule 3 has effect with respect to the procedure of the Trust.

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Part 3 Objects and functions of the Trust

6 Objects of the Trust

The objects of the Trust are:

- (a) to maintain and improve the trust lands, and
- (b) to encourage the use and enjoyment of the trust lands by the public by promoting the recreational, historical, scientific, educational and cultural heritage value of those lands, and
- (c) to ensure the conservation of the natural and cultural heritage values of the trust lands and the protection of the environment within those lands, and
- (d) such other objects, consistent with the functions of the Trust in relation to the trust lands, as the Trust considers appropriate.

7 Functions of the Trust

(1) The Trust may:

- (a) permit the use of the whole or any part of the trust lands for activities of a recreational, historical, scientific, educational and cultural heritage nature, and
- (b) in or in connection with the trust lands provide, or permit the provision of, food or other refreshments and apply for, hold or dispose of any relevant licence, permit or other authority for that purpose, and
- (c) promote and provide exhibits, lectures, films, publications and other types of educational instruction relating to the trust lands, and
- (d) in pursuance of its objects, procure specimens, services or materials and obtain scientific or other data from within or outside the State, and
- (e) disseminate scientific, cultural and historical information to the public and educational, scientific, cultural and historical institutions, whether within or outside the State, and
- (f) maintain, or make arrangements for the maintenance of, the property of the Trust, and

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|-----|---|------------------|
| (g) | subject to the regulations, charge and receive fees or other amounts for, or in connection with, any service provided, article sold or permission given by the Trust in the exercise of any of its functions, and | 1
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4 |
| (h) | enter into any contract or arrangement with any person for the purpose of promoting the objects of the Trust. | 5
6 |
| (2) | Subject to this Act and the regulations, the Trust has the control and management of all property of the Trust. | 7
8 |
| (3) | The fees and other amounts received by the Trust as referred to in subsection (1) (g) are the property of the Trust. | 9
10 |
| (4) | The Trust may, and when requested by the Minister must, make reports and recommendations to the Minister with respect to the Trust and the trust lands. | 11
12
13 |
| (5) | The Trust has and may exercise such functions, in addition to those specified in this section, as are reasonably necessary to achieve its objects. | 14
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16 |

Part 4 Property of the Trust

8 Vesting of land at Quarantine Station in the Trust

- (1) The land described in Schedule 1 vests in the Trust for an estate in fee simple freed and discharged from any trusts, estates, interests, dedications, restrictions, easements, contracts, charges and rates existing in respect of the land immediately before the land is vested in the Trust.
- (2) The Governor may from time to time, by proclamation published in the Gazette, amend Schedule 1 for the purpose of adding to the land for the time being described in that Schedule:
 - (a) Crown land (within the meaning of the *Crown Lands Act 1989*) or other land of the Crown, or
 - (b) land of a public or local authority constituted by an Act of Parliament, or
 - (c) additional land acquired by the Trust.
- (3) A proclamation under this section may contain provisions of a savings or transitional nature consequent on the making of the proclamation.
- (4) The vesting of land effected by this section does not operate to vest in the Trust any pipeline, cable or related apparatus owned by a person other than the Minister and used for the conveyance of gas, electricity, water, drainage, sewage or any other thing and lawfully situated on the land immediately before the commencement of this section.

9 Prohibition against disposal or compulsory acquisition of trust lands

- (1) The Trust must not sell, mortgage or otherwise dispose of any of the trust lands.
- (2) Despite any other Act, the trust lands may not be compulsorily acquired except by an Act of Parliament.
- (3) This section does not affect the operation of section 12.

10 Acquisition of certain other property

- (1) The Trust may agree to any condition that is not inconsistent with its objects being imposed on its acquisition of any property.
- (2) The rule of law against remoteness of vesting does not apply to any such condition to which the Trust has agreed.

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| (3) If the Trust acquires any property by gift, devise or bequest, the Trust may retain the property in the form in which it was acquired, subject to any such condition to which the Trust has agreed. | 1
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| (4) Duty under the <i>Duties Act 1997</i> is not chargeable for or in respect of any gift, devise or bequest made or to be made to the Trust. | 4
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| 11 Disposal of certain other property | 6 |
| (1) In this section: | 7 |
| <i>condition</i> means a condition to which the Trust has agreed under section 10. | 8
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| (2) The Trust must not sell, mortgage or otherwise dispose of any property acquired by gift, devise or bequest, or any property being additional trust lands, except: | 10
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| (a) if the property was acquired without any condition—with the approval of the Minister, or | 13
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| (b) if the property was acquired subject to a condition—in accordance with the condition or subsection (3). | 15
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| (3) If the Trust determines that any property that has been acquired by the Trust subject to a condition is not required for the purposes of the Trust, the Trust may (despite that condition), with the approval of the Minister: | 17
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| (a) sell the property, or | 21 |
| (b) exchange the property for other property, or | 22 |
| (c) give the property to any recreational, scientific or educational institution, or | 23
24 |
| (d) if the Trust is of the opinion that the property is of no commercial value—dispose of the property without valuable consideration. | 25
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27 |
| 12 Grant of leases, easements, licences etc | 28 |
| (1) The Trust may, with the approval of the Minister, grant: | 29 |
| (a) leases of parts of the trust lands, or | 30 |
| (b) easements through, on or in the trust lands, or | 31 |
| (c) licences for the use of parts of the trust lands. | 32 |
| (2) The whole of the trust lands may not be leased to a single person. | 33 |
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| (3) A lease granted under subsection (1) (a) may not have a term that, | 1 |
| together with the term of any further lease which may be granted on | 2 |
| the exercise of an option contained in the lease, exceeds 10 years. | 3 |
| (4) Any such lease must not be granted unless the proposed content of the | 4 |
| lease has been publicly exhibited for 30 days and any public | 5 |
| submissions made in relation to the proposed lease have been taken | 6 |
| into consideration by the Trust. | 7 |
| (5) The Trust may, with the approval of the Minister, impose restrictions | 8 |
| on the use of, or impose positive covenants on, the trust lands or other | 9 |
| land in accordance with section 88D or 88E of the <i>Conveyancing Act</i> | 10 |
| <i>1919</i> . | 11 |
| (6) In this section, <i>easement</i> includes an easement without a dominant | 12 |
| tenement referred to in section 88A of the <i>Conveyancing Act 1919</i> . | 13 |

Part 5 Plan of management for trust lands

13	Preparation of plan of management	2
(1)	The Trust must, in accordance with any directions of the Minister, cause a plan of management to be prepared for the trust lands.	3 4
(2)	The plan of management must contain a detailed written scheme of the operations proposed to be undertaken in or in relation to the trust lands.	5 6 7
14	Adoption etc of plan of management	8
(1)	When the plan of management has been prepared, the Trust:	9
(a)	must refer the plan to the Minister, and	10
(b)	may, with the approval of the Minister, refer a copy of the plan to any other person.	11 12
(2)	The Minister may:	13
(a)	adopt the plan of management, without alteration or with such alterations as the Minister thinks fit, or	14 15
(b)	refer it back to the Trust for further consideration.	16
15	Amendment or cancellation of plan of management	17
(1)	The Trust may, in accordance with any directions of the Minister:	18
(a)	amend the plan of management from time to time, or	19
(b)	cancel the plan of management and substitute a new plan.	20
(2)	Sections 13 and 14 apply to an amendment of the plan of management or the substitution of the plan of management in the same way as they apply to the preparation of the plan of management.	21 22 23
16	Carrying out of plan of management	24
(1)	A plan of management adopted by the Minister is to be carried out and given effect to by the Trust.	25 26
(2)	Nothing in this Part affects the operation of the <i>Local Government Act 1993</i> or the <i>Environmental Planning and Assessment Act 1979</i> .	27 28

Part 6 Administration

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17 Financial year of the Trust

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The financial year of the Trust is the year commencing 1 July.

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18 Committees

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- (1) The Trust may establish committees to assist it in connection with the exercise of any of its functions. 5
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- (2) It does not matter that any or all of the members of a committee are not trustees. 7
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- (3) The Director is an ex officio member of each committee of the Trust. 9
- (4) The procedure for the calling of meetings of a committee and for the conduct of business at those meetings is, subject to the regulations, to be as determined by the Trust or (subject to any determination of the Trust) by the committee. 10
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19 Staff of the Trust

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For the purposes of this Act:

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- (a) a Director, and 16
- (b) such other persons as may be necessary to enable the Trust to exercise its functions, 17
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may be employed under Chapter 2 of the *Public Sector Employment and Management Act 2002*.

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20 The Director

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- (1) The Director is responsible for the administration and management of the trust lands and any services provided in conjunction with the trust lands. 22
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24
- (2) The Director is, in the exercise of the Director's functions under this Act, subject to the control and direction of the Trust. 25
26
- (3) The Director is to act as secretary to the Trust. 27

21	Delegation by the Trust	1
(1)	The Trust may delegate to a trustee, a committee of the Trust or the Director or any other officer of the Trust the exercise of any of its functions, other than this power of delegation.	2 3 4
(2)	The person may sub-delegate the exercise of a delegated function to another person if the first-mentioned person is authorised in writing to delegate the function to that person by the Trust.	5 6 7

Part 7 Miscellaneous

22 Revocation of reservation

The reservation of the trust lands as part of the Sydney Harbour National Park under the *National Parks and Wildlife Act 1974* is revoked.

23 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 the trust lands to produce the driver's driver licence and to state the person's full name and residential address.
- (3) A person must not:
 - (a) fail to comply with a requirement under this section, or
 - (b) in purported compliance with such a requirement, state a name that is not the person's name or 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 is an offence.

24 Requirement for owner of vehicle and others to give information

- (1) If the driver of a vehicle is alleged to have committed an offence against this Act or the regulations:
 - (a) the owner of the vehicle or the person having custody of the vehicle must, when required to do so by an authorised officer, immediately give information (which must, if so required, be given in the form of a written statement signed by that owner or person) as to the name and residential address of the driver, or

-
- (b) any other person must, if required to do so by an authorised officer, give any information that it is in the person's power to give and that may lead to the identification of the driver. 1
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3
- Maximum penalty: 10 penalty units. 4
- (2) It is a defence to a prosecution for an offence under subsection (1) (a) if the defendant satisfies the court that the defendant did not know and could not with reasonable diligence have ascertained the driver's name or residential address. 5
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- (3) A written statement purporting to be given under subsection (1) (a) and to contain particulars of the name and residential address of the driver of a vehicle at the time of commission of an alleged offence against this Act or the regulations that is produced in any court in proceedings against the person named in the statement as the driver for such an offence 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. 9
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- (4) In this section: 17
- owner* of a vehicle includes the responsible person for the vehicle within the meaning of the *Road Transport (General) Act 1999*. 18
19
- 25 Liability of vehicle owner for parking offences** 20
- (1) If a parking offence occurs in relation to any vehicle, the person who at the time of the occurrence of the offence is the owner of the vehicle is, by virtue of this section, guilty of an offence against the regulation concerned as if the person were the actual offender guilty of the parking offence unless: 21
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- (a) in any case where the offence is dealt with under section 26, the person satisfies an authorised officer described in the notice served under that section that the vehicle was at the relevant time a stolen vehicle or a vehicle illegally taken or used, or 26
27
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29
- (b) in any other case, the court is satisfied that the vehicle was at the relevant time a stolen vehicle or a vehicle illegally taken or used. 30
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- (2) Nothing in this section affects the liability of the actual offender but where a penalty has been imposed on or recovered from any person in relation to a parking offence no further penalty may be imposed on or recovered from any other person in relation to that offence. 33
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- (3) Despite subsection (1), an owner of a vehicle is not, by virtue of that subsection, guilty of an offence if: 1
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- (a) in any case where the offence is dealt with under section 26, the person: 3
4
- (i) within 21 days after service on the person of a notice 5
under that section alleging that the person is guilty of 6
the offence, supplies by statutory declaration to an 7
authorised officer described in the notice the name and 8
address of the person who was in charge of the vehicle 9
at all relevant times relating to the offence, or 10
- (ii) satisfies the authorised officer that the person did not 11
know and could not with reasonable diligence have 12
ascertained that name and address, or 13
- (b) in any other case, the person: 14
- (i) within 21 days after service on the person of a summons 15
in respect of the offence, supplies by statutory 16
declaration to the informant the name and address of the 17
person who was in charge of the vehicle at all relevant 18
times relating to the offence, or 19
- (ii) satisfies the court that the person did not know and 20
could not with reasonable diligence have ascertained 21
that name and address. 22
- (4) A statutory declaration under subsection (3) if produced in any 23
proceedings against the person named in it and in relation to the 24
offence in respect of which the statutory declaration was supplied is 25
evidence that that person was in charge of the vehicle at all relevant 26
times relating to that offence. 27
- (5) A statutory declaration that relates to more than one offence is taken 28
not to be a statutory declaration under, or for the purposes of, 29
subsection (3). 30
- (6) In this section: 31
- owner** of a vehicle includes the responsible person for the vehicle 32
within the meaning of the *Road Transport (General) Act 1999*. 33
- parking offence** means any offence of parking a vehicle in 34
contravention of the regulations. 35

26 Penalty notices for certain offences

- (1) An authorised officer may serve a penalty notice on a person if it appears to the officer that the person has committed, or by virtue of section 25 is guilty of, an offence under this Act or the regulations, being an offence prescribed by the regulations.
- (2) A penalty notice is a notice to the effect that, if the person served does not wish to have the matter dealt with by a court, the person may pay, within the time and to the person specified in the notice, the amount of penalty prescribed by the regulations for the offence if dealt with under this section.
- (3) Any such notice:
 - (a) may be served personally or by post, or
 - (b) if it relates to an offence of which the owner of a vehicle is guilty by virtue of section 25, may be addressed to the owner without naming the owner or stating the address of the owner and may be served by leaving it on or attaching it to the vehicle.
- (4) If the amount of any penalty prescribed for an alleged offence is paid in accordance with this section, no person is liable to any further proceedings for the alleged offence.
- (5) Payment of a penalty in accordance with this section is not to be regarded as an admission of liability for the purposes of, nor in any way as affecting or prejudicing any civil claim, action or proceeding arising out of the same occurrence.
- (6) The regulations may:
 - (a) prescribe an offence for the purposes of this section by specifying the offence or by referring to the provision creating the offence, and
 - (b) prescribe the amount of penalty payable for the offence if dealt with in accordance with this section, and
 - (c) prescribe different amounts of penalties for different offences or classes of offences.
- (7) The amount of a penalty prescribed under this section for an offence must not exceed the maximum amount of penalty which could be imposed for the offence by a court.

(8) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings which may be taken in respect of offences.	1 2 3
27 Proof of certain matters not required	4
In any legal proceedings, proof is not required (until evidence is given to the contrary) of:	5 6
(a) the constitution of the Trust, or	7
(b) any resolution of the Trust, or	8
(c) the appointment of, or the holding of office by, any trustee, or	9
(d) the presence of a quorum at any meeting of the Trust.	10
28 Proceedings for offences	11
(1) Proceedings for an offence against this Act or the regulations are to be dealt with summarily.	12 13
(2) Any such proceedings may be commenced within but not later than 12 months after the date on which the offence is alleged to have been committed.	14 15 16
29 Offences by corporations	17
(1) If a corporation commits an offence against this Act or the regulations:	18
(a) each person who is a director of the corporation, and	19
(b) each person who is concerned in the management of the corporation,	20 21
is taken to have committed the same offence if the person knowingly authorised or permitted the act or omission constituting the offence.	22 23
(2) A person may be proceeded against and convicted under this section whether or not the corporation has been proceeded against and convicted.	24 25 26
(3) Nothing in this section affects any liability imposed on a corporation for an offence committed by the corporation.	27 28

30 Compensation

- (1) If any person is convicted of an offence against this Act or the regulations and the court before whom the person was convicted is satisfied that the commission of the offence caused or resulted in loss or damage to the trust lands or other property of the Trust, the court may order payment to the Trust of such sum as the court thinks fit by way of compensation for that loss or damage.
- (2) The court may make such an order whether or not it imposes a penalty for the offence.
- (3) An order made by a court under section 10 of the *Crimes (Sentencing Procedure) Act 1999* in any proceedings for an offence against this Act or the regulations operates for the purposes of subsection (1) as a conviction for the offence.

31 Recovery

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

32 Regulations

- (1) The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act and, in particular, for or with respect to:
 - (a) the use and enjoyment of the trust lands, and
 - (b) the care, control and management of the trust lands (including regulating or prohibiting the parking and use of vehicles within the trust lands), and
 - (c) the determination and payment of fees for:
 - (i) the use of recreation areas in the trust lands, and
 - (ii) the use of roadways or other areas within the trust lands for organised activities, and
 - (iii) filming or photographing within the trust lands for the purpose of cinema or television productions or for commercial purposes, and
 - (iv) the use or purchase of any written or other material that is the property of the Trust, and
 - (v) such other items or services as the Trust may provide, and

(d)	the meetings of the Trust, and	1
(e)	the committees of the Trust, and	2
(f)	the use and custody of the seal of the Trust.	3
(2)	A regulation may create an offence punishable by a penalty not exceeding 10 penalty units.	4 5
(3)	In this section, a reference to the trust lands includes a reference to any part of the trust lands.	6 7
33	Savings and transitional regulations	8
(1)	The regulations may contain provisions of a savings or transitional nature consequent on the enactment of this Act.	9 10
(2)	Any such provision may, if the regulations so provide, take effect from the date of assent to this Act or a later date.	11 12
(3)	To the extent to which any such provision takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as:	13 14 15
(a)	to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication, or	16 17 18
(b)	to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication.	19 20 21
34	Amendment of other Acts	22
	The Acts specified in Schedule 4 are amended as set out in that Schedule.	23 24

Schedule 1 Trust lands

1

(Section 8)

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Portion 2763 comprising Parkhill, Spring Cove and Quarantine Station South
precincts (but excluding that part of portion 2763 east and north of the southern
stone wall extending to the Old Man’s Hat), and portion 2765 comprising
Quarantine Station Core Precinct, in the Parish of Manly Cove, County of
Cumberland.

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Schedule 2	Provisions relating to the trustees	1
	(Section 5 (3))	2
1	Chairperson of the Trust	3
(1)	One of the trustees is to be appointed as Chairperson of the Trust by the relevant instrument of appointment as a trustee or by another instrument executed by the Minister.	4 5 6
(2)	The Minister may remove a trustee from the office of Chairperson.	7
(3)	The Chairperson is taken to have vacated the office of Chairperson if the Chairperson:	8 9
(a)	is removed from that office by the Minister under subclause (2), or	10 11
(b)	resigns that office by instrument in writing addressed to the Minister, or	12 13
(c)	ceases to be a trustee.	14
2	Acting trustees and acting Chairperson	15
(1)	The Minister may, from time to time, appoint a person to act in the office of a trustee during the illness or absence of the trustee, and the person, while so acting, has and may exercise all the functions of the trustee and is taken to be a trustee.	16 17 18 19
(2)	The Minister may, from time to time, appoint a trustee to act in the office of Chairperson during the illness or absence of the Chairperson, and the trustee, while so acting, has and may exercise all the functions of the Chairperson and is taken to be the Chairperson.	20 21 22 23
(3)	The Minister may remove any person from any office to which the person was appointed under this clause.	24 25
(4)	A person while acting in the office of a trustee is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of the person.	26 27 28 29
(5)	For the purposes of this clause, a vacancy in the office of a trustee or the Chairperson is taken to be an absence from office of the trustee or Chairperson, as the case may be.	30 31 32

3	Term of office	1
	Subject to this Schedule, a trustee holds office for such period, not exceeding 4 years, as may be specified in the instrument of appointment of the trustee, but is eligible (if otherwise qualified) for re-appointment.	2 3 4 5
4	Remuneration	6
	(1) A trustee is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of the trustee.	7 8 9
	(2) In this clause:	10
	<i>trustee</i> includes any member of a committee of the Trust.	11
5	Casual vacancies	12
	(1) The office of a trustee becomes vacant if the trustee:	13
	(a) dies, or	14
	(b) completes a term of office and is not re-appointed, or	15
	(c) resigns the office by instrument in writing addressed to the Minister, or	16 17
	(d) is removed from office by the Minister under this clause, or	18
	(e) is absent from 3 consecutive meetings of the Trust of which reasonable notice has been given to the trustee personally or by post, except on leave granted by the Minister or unless the trustee is excused by the Minister for having been absent from those meetings, or	19 20 21 22 23
	(f) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit, or	24 25 26 27
	(g) becomes a mentally incapacitated person, or	28
	(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.	29 30 31 32 33

(2) The Minister may at any time remove a trustee from office.	1
(3) Without limiting the generality of subclause (2), the Minister may remove from office a trustee who contravenes the provisions of clause 7.	2 3 4
6 Filling of vacancy in office of trustee	5
If the office of any trustee becomes vacant, a person is, subject to this Act, to be appointed to fill the vacancy.	6 7
7 Disclosure of pecuniary interests	8
(1) If:	9
(a) a trustee has a direct or indirect pecuniary interest in a matter being considered or about to be considered at a meeting of the Trust, and	10 11 12
(b) the interest appears to raise a conflict with the proper performance of the trustee's duties in relation to the consideration of the matter,	13 14 15
the trustee must, as soon as possible after the relevant facts have come to the trustee's knowledge, disclose the nature of the interest at a meeting of the Trust.	16 17 18
(2) A disclosure by a trustee at a meeting of the Trust that the trustee:	19
(a) is a member, or is in the employment, of a specified company or other body, or	20 21
(b) is a partner, or is in the employment, of a specified person, or	22
(c) has some other specified interest relating to a specified company or other body or to a specified person,	23 24
is a sufficient disclosure of the nature of the interest in any 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 subclause (1).	25 26 27 28
(3) Particulars of any disclosure made under this clause must be recorded by the Trust 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 Trust.	29 30 31 32

(4) After a trustee has disclosed the nature of an interest in any matter, the trustee must not, unless the Minister otherwise determines:	1
(a) be present during any deliberation of the Trust with respect to the matter, or	2
(b) take part in any decision of the Trust with respect to the matter.	3
(5) A contravention of this clause does not invalidate any decision of the Trust.	4
(6) A reference in this clause to a meeting of the Trust includes a reference to a meeting of a committee of the Trust.	5
8 Effect of certain other Acts	6
(1) Chapter 2 of the <i>Public Sector Employment and Management Act 2002</i> does not apply to or in respect of the appointment of a trustee.	7
(2) If by or under any Act provision is made:	8
(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	9
(b) prohibiting the person from engaging in employment outside the duties of that office,	10
the provision does not operate to disqualify the person from holding that office and also the office of a trustee or from accepting and retaining any remuneration payable to the person under this Act as a trustee.	11
9 Liability of trustees	12
No matter or thing done by the Trust, any trustee or any person acting under the direction of the Trust, if the matter or thing was done in good faith for the purposes of executing this or any other Act, subjects a trustee or a person so acting personally to any action, liability, claim or demand.	13
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Schedule 3	Provisions relating to the procedure of the Trust	1
		2
	(Section 5 (4))	3
1	General procedure	4
	The procedure for the calling of meetings of the Trust and for the conduct of business at those meetings is, subject to this Act and the regulations, to be as determined by the Trust.	5 6 7
2	Quorum	8
	The quorum for a meeting of the Trust is 3 trustees.	9
3	Presiding trustee	10
(1)	The Chairperson (or, in the absence of the Chairperson, another trustee elected to chair the meeting by the trustees present) is to preside at a meeting of the Trust.	11 12 13
(2)	The presiding member has a deliberative vote and, in the event of an equality of votes, has a second or casting vote.	14 15
4	Voting	16
	A decision supported by a majority of the votes cast at a meeting of the Trust at which a quorum is present is the decision of the Trust.	17 18
5	Transaction of business outside meetings or by telephone	19
(1)	The Trust may, if it thinks fit, transact any of its business by the circulation of papers among all the trustees of the Trust for the time being, and a resolution in writing approved in writing by a majority of those trustees is taken to be a decision of the Trust.	20 21 22 23
(2)	The Trust may, if it thinks fit, transact any of its business at a meeting at which trustees (or some trustees) participate by telephone, closed-circuit television or other means, but only if any trustee who speaks on a matter before the meeting can be heard by the other trustees.	24 25 26 27 28

(3) For the purposes of:	1
(a) the approval of a resolution under subclause (1), or	2
(b) a meeting held in accordance with subclause (2),	3
the Chairperson and each trustee have the same voting rights as they	4
have at an ordinary meeting of the Trust.	5
(4) A resolution approved under subclause (1) is, subject to the	6
regulations, to be recorded in the minutes of the meetings of the Trust.	7
(5) Papers may be circulated among the trustees for the purposes of	8
subclause (1) by facsimile or other transmission of the information in	9
the papers concerned.	10
6 Minutes	11
The Trust must cause full and accurate minutes to be kept of the	12
proceedings of each meeting of the Trust.	13
7 The Director	14
The Director is entitled to be heard by the Trust on any matter	15
considered by the Trust and, unless the Trust otherwise directs, is	16
entitled to be present at each meeting of the Trust.	17
8 First meeting	18
The Minister may call the first meeting of the Trust in such manner as	19
the Minister thinks fit.	20

Schedule 4 Amendments to other Acts	1
(Section 34)	2
4.1 Fines Act 1996 No 99	3
Schedule 1 Statutory provisions under which penalty notices issued	4
	5
Insert in alphabetical order:	6
<i>Quarantine Station Preservation Trust Act 2002</i> , section 26	7
4.2 Public Finance and Audit Act 1983 No 152	8
Schedule 2 Statutory bodies	9
Insert in alphabetical order:	10
Quarantine Station Preservation Trust	11