

Quarantine Station Preservation Trust Bill 2003

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.

Schedule 1 Trust lands

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

Schedule 2 Provisions relating to the trustees

Schedule 2 makes provision for the trustees of the Trust.

Schedule 3 Provisions relating to the procedure of the Trust

Schedule 3 makes provision for the procedure of the Trust.

Schedule 4 Amendments to other Acts

Schedule 4 makes consequential amendments to other Acts.