



New South Wales

Quarantine Station Preservation Trust Bill 2006

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. It has significant cultural and historical values that make it unique among National Parks and Wildlife lands.

The object of this Bill is to establish a new Trust, to be known as the Quarantine Station Preservation Trust, to advise the Minister on the care, control and management of the Quarantine Station, to approve leases or licences relating to the Quarantine Station site and to assist with the preservation of the natural and built environment of North Head.

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. *Quarantine Station site* is defined to mean the land described in Schedule 1 to 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 specified members appointed by the Minister, and specifies that further provisions dealing with the members 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. They include advising the Minister on the care, control and management of the Quarantine Station site as part of the North Head precinct, encouraging the use and enjoyment of the Quarantine Station site by the public by promoting the recreational, historical, scientific, educational and cultural heritage value of that site and ensuring the conservation of the natural and cultural heritage values of the Quarantine Station site and the protection of the environment within that site. They also include supporting the natural and built environment and cultural heritage of the North Head precinct and assisting the Sydney Harbour Federation Trust to develop a concept and final plans for a North Head Sanctuary.

Clause 7 sets out the functions of the Trust. They include permitting the use of the whole or any part of the Quarantine Station site for activities of a cultural, natural, historical, educational, scientific and recreational nature.

Part 4 Limitations on grant of leases and licences relating to Quarantine Station site

Division 1 Application of Part

Clause 8 specifies the powers to grant leases and licences under the *National Parks and Wildlife Act 1974* relating to the Quarantine Station site to which the proposed Part applies.

Division 2 Procedure

Clause 9 requires public notice to be given of the proposed grant of a lease or licence relating to the Quarantine Station site.

Clause 10 prohibits the Minister from granting a lease or a licence relating to the Quarantine Station site without the prior approval of the Trust.

Clause 11 requires the Trust to consider certain factors before granting approval to the grant of a lease or licence relating to the Quarantine Station site.

Division 3 Restrictions on grant of leases or licences

Clause 12 prohibits the Minister from granting a lease or licence relating to the Quarantine Station site unless he or she has had regard to certain factors.

Clause 13 prohibits the Minister from granting a lease or licence relating to the whole of the Quarantine Station site to one person.

Clause 14 prohibits the Minister from granting a lease or licence relating to the Quarantine Station site for a term longer than 10 years.

Part 5 Administration

Clause 15 provides that the financial year of the Trust is the year commencing on 1 July.

Clause 16 empowers the Trust to establish committees to assist in connection with the exercise of any of its functions.

Clause 17 provides for the employment of staff.

Clause 18 empowers the Trust to delegate its functions to a member of the Trust, to a committee of the Trust or to any other officer of the Trust.

Part 6 Miscellaneous

Clause 19 empowers the Governor to make regulations.

Clause 20 provides for the making of savings and transitional regulations consequent on the enactment of the proposed Act.

Schedule 1 Quarantine Station site

Schedule 1 contains a description of the Quarantine Station site.

Schedule 2 Provisions relating to the members

Schedule 2 makes provision for the members of the Trust.

Schedule 3 Provisions relating to the procedure of the Trust

Schedule 3 makes provision for the procedure of the Trust.



New South Wales

Quarantine Station Preservation Trust Bill 2006

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New South Wales

Quarantine Station Preservation Trust Bill 2006

No. , 2006

A Bill for

An Act to preserve, protect and manage the Quarantine Station at Sydney's North Head; to constitute the Quarantine Station Preservation Trust and define its functions; and for other purposes.

Clause 1 Quarantine Station Preservation Trust Bill 2006

Part 1 Preliminary

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 2006*. 4

2 Commencement 5

This Act commences on the date of assent to this Act. 6

3 Definitions 7

(1) In this Act: 8

exercise a function includes perform a duty. 9

function includes a power, authority or duty. 10

member means a member of the Trust. 11

North Head precinct means the land coloured beige or identified as 12

Harbour Trust land on the map presented to the Speaker of the 13

Legislative Assembly (by or on behalf of the Member of the Assembly 14

who introduced the Bill for this Act) when the Bill was introduced into 15

the Assembly. 16

Quarantine Station site means the land for the time being described in 17

Schedule 1. 18

Trust means the Quarantine Station Preservation Trust constituted by 19

this Act. 20

(2) Notes included in this Act are explanatory notes and do not form part of 21

this Act. 22

Part 2	The Quarantine Station Preservation Trust	1
4	Constitution of the Trust	2
(1)	There is constituted by this Act a corporation under the corporate name of the “Quarantine Station Preservation Trust”.	3 4
(2)	The Trust:	5
(a)	has and may exercise the functions conferred or imposed on it by or under this or any other Act, and	6 7
(b)	is, in the exercise of its functions, subject to the control and direction of the Minister.	8 9
5	Appointment and procedure of members of Trust	10
(1)	The Trust consists of the following 7 members appointed by the Minister:	11 12
(a)	one member chosen by the Minister as having expertise in the restoration and conservation of historic buildings,	13 14
(b)	one member nominated by the National Trust of Australia (New South Wales),	15 16
(c)	one member nominated by the Director-General of the Department of Environment and Conservation,	17 18
(d)	one member nominated jointly by the local Aboriginal community in the Manly, Warringah and Pittwater local government areas and the local Aboriginal land council,	19 20 21
(e)	one member nominated by the National Parks Association of NSW Incorporated,	22 23
(f)	one member nominated by Manly Council (the council for the local government area in which the Quarantine Station site is situated),	24 25 26
(g)	one member nominated by the Commonwealth Minister for Environment and Heritage.	27 28
(2)	The constitution of the Trust is not affected by the failure of a person or body to make a nomination under subsection (1).	29 30
(3)	Schedule 2 has effect with respect to the members.	31
(4)	Schedule 3 has effect with respect to the procedure of the Trust.	32

Part 3	Objects and functions of the Trust	1
6	Objects of the Trust	2
	The objects of the Trust are:	3
(a)	to advise the Minister on the care, control and management of the Quarantine Station site as part of the North Head precinct, and	4 5
(b)	to encourage the use and enjoyment of the Quarantine Station site by the public by promoting the recreational, historical, scientific, educational and cultural heritage value of that site, and	6 7 8
(c)	to ensure the conservation of the natural and cultural heritage values of the Quarantine Station site and the protection of the environment within that site, and	9 10 11
(d)	to support the natural and built environment and cultural heritage of North Head precinct, and	12 13
(e)	to assist the Sydney Harbour Federation Trust to develop a concept and final plans for a North Head Sanctuary, and	14 15
(f)	any other objects, consistent with the functions of the Trust, in relation to the Quarantine Station site, that the Trust considers appropriate.	16 17 18
7	Functions of the Trust	19
(1)	The Trust may:	20
(a)	permit the use of the whole or any part of the Quarantine Station site for activities of a cultural, natural, historical, educational, scientific and recreational nature, and	21 22 23
(b)	in relation to the provision of food and other refreshments in connection with the Quarantine Station site:	24 25
(i)	apply for, hold or dispose of any relevant licence, permit or other authority for the purpose of the provision of food and other refreshments in connection with the Quarantine Station site, or	26 27 28 29
(ii)	permit the provision of food and other refreshments, or	30
(iii)	authorise another person to apply for any relevant licence, permit or other authority for the purpose of the provision of food and other refreshments in connection with the Quarantine Station site, and	31 32 33 34
(c)	approve and promote exhibits, lectures, films, publications and other types of educational instruction relating to the Quarantine Station site, and	35 36 37

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|-----|--|------------------|
| (d) | disseminate scientific, cultural and historical information concerning the Quarantine Station site to the public and educational, scientific, cultural and historical institutions, whether within or outside the State, and | 1
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| (e) | approve arrangements for the maintenance and preservation of the Quarantine Station site, and | 5
6 |
| (f) | approve any leases or licences of the whole or part of the Quarantine Station site, and grants of easements through, on or in the Quarantine Station site, consented to by the Minister, and | 7
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9 |
| (g) | approve a plan of management for the Quarantine Station site under Part 5 of the <i>National Parks and Wildlife Act 1974</i> , and | 10
11 |
| (h) | approve any modifications to the significant heritage fabric of the Quarantine Station site, and | 12
13 |
| (i) | promote the preservation of the Quarantine Station within the overall context of the North Head precinct and a future North Head Sanctuary. | 14
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| (2) | Subject to this Act and the regulations, the Trust has the control and management of all property of the Trust. | 17
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| (3) | The Trust may, and when requested by the Minister must, make reports and recommendations to the Minister with respect to the Trust and the Quarantine Station site. | 19
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| (4) | The Trust has and may exercise such functions, in addition to those specified in this section, as are reasonably necessary to achieve its objects. | 22
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24 |

Clause 8	Quarantine Station Preservation Trust Bill 2006	
Part 4	Limitations on grant of leases and licences relating to Quarantine Station site	

Part 4	Limitations on grant of leases and licences relating to Quarantine Station site	1
		2
Division 1	Application of Part	3
8	Application of Part	4
(1)	This Part applies to and in respect of the exercise by the Minister of the following powers under the <i>National Parks and Wildlife Act 1974</i> :	5
		6
(a)	the power under section 151 (1) (a)–(e) to grant a lease of land within the Quarantine Station site,	7
		8
(b)	the power under section 151 (1) (f) to grant a licence to occupy or use land within the Quarantine Station site,	9
		10
(c)	the power under section 151B (2) to grant a lease of land within the Quarantine Station site to enable the adaptive reuse of an existing building or structure on the land for any purpose specified in section 151B (12),	11
		12
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		14
(d)	the power under section 151B (3) to grant a licence to occupy and use land within the Quarantine Station site, and any existing building or structure on the Quarantine Station site, for any purpose.	15
		16
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		18
(2)	In the event of any inconsistency between this Part and the <i>National Parks and Wildlife Act 1974</i> , this Part prevails to the extent of the inconsistency.	19
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		21
Division 2	Procedure	22
9	Public notice must be given of proposed grant of lease or licence	23
(1)	The Minister must not exercise any power to which this Part applies unless the Minister has:	24
		25
(a)	caused notice of the proposal to grant the lease or licence, and a summary of the main terms of the lease or licence, to be published in at least one Sydney metropolitan newspaper and one local newspaper circulating in the locality of the Quarantine Station site, and	26
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(b)	in that notice, invited public comments on the proposed lease or licence within a time specified in the notice, being not less than 30 days after the publication of the notice, and	31
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(c)	had regard to any written comments received in response to the notices within 30 days after the date of the publication of the notices (if they were both published on the same day) or after the publication of the later of the two notices (if published on different days), and	1 2 3 4 5
(d)	forwarded to the Trust any written comments received in response to the notice within 30 days after the date of the last publication, and	6 7 8
(e)	published, in at least one Sydney metropolitan newspaper, and one newspaper circulating in the locality of the Quarantine Station site, the Minister's reasons for his or her decision to grant the lease or licence.	9 10 11 12
(2)	If the Minister exercises a power to which this Part applies in breach of this section, the lease or licence granted by the Minister in the exercise of that power is void.	13 14 15
10	Grant of leases and licences must have prior approval of Trust	16
(1)	The Minister must not exercise any power to which this Part applies unless the Minister has first obtained the written approval of the Trust to the exercise of that power.	17 18 19
(2)	If the Minister exercises a power to which this Part applies in breach of this section, the lease or licence granted by the Minister in the exercise of that power is void.	20 21 22
11	Trust must not give approval unless it considers certain factors	23
(1)	The Trust must not give approval to the exercise by the Minister of any power to which this Part applies unless the Trust has had regard to:	24 25
(a)	any written comments received by the Minister in response to the Minister's notice that were forwarded to the Trust, and	26 27
(b)	any written comments received directly by the Trust in response to the Minister's notice, and	28 29
(c)	the impact of the proposal on open space at the Quarantine Station site, the floor area of buildings on the site and the significant heritage fabric of the Quarantine Station site.	30 31 32
(2)	The Trust must not give approval to the exercise by the Minister of any power to which this Part applies if the Trust forms the opinion that the grant of the relevant lease or licence will result in:	33 34 35
(a)	less open space at the Quarantine Station site than existed immediately before the commencement of this Act, or	36 37

Clause 12 Quarantine Station Preservation Trust Bill 2006

Part 4 Limitations on grant of leases and licences relating to Quarantine Station site

- (b) an increase in the total floor area of all buildings that existed at the Quarantine Station site immediately before the commencement of this Act, or 1
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3
- (c) an adverse impact on the significant heritage fabric of the Quarantine Station site. 4
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- (3) If the Trust exercises the power to give approval under this section in breach of this section, the lease or licence granted by the Minister the subject of that approval is void. 6
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- (4) Subsections (1) and (2) are not intended to limit the factors that the Trust may take into consideration when determining whether or not to give approval. 9
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Division 3 Restrictions on grant of leases or licences 12

12 Restrictions on leases or licences that may be granted 13

- (1) The Minister must not exercise any power to which this Part applies unless the Minister has had regard to the impact of the proposal on open space at the Quarantine Station site, the floor area of buildings on the site and the significant heritage fabric of the Quarantine Station site. 14
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- (2) The Minister must not exercise any power to which this Part applies if the Minister forms the opinion that the grant of the relevant lease or licence will result in: 18
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 - (a) less open space at the Quarantine Station site than existed immediately before the commencement of this Act, or 21
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 - (b) an increase in the total floor area of all buildings that existed at the Quarantine Station site immediately before the commencement of this Act, or 23
24
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 - (c) an adverse impact on the significant heritage fabric of the Quarantine Station site. 26
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- (3) If the Minister exercises a power to which this Part applies in breach of this section, the lease or licence granted by the Minister in the exercise of that power is void. 28
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- (4) Subsections (1) and (2) are not intended to limit the factors that the Minister may take into consideration when determining whether or not to exercise his or her power. 31
32
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13	Minister cannot lease or licence all of Quarantine Station site to one person	1 2
(1)	Despite Part 12 of the <i>National Parks and Wildlife Act 1974</i> , the Minister must not:	3 4
(a)	grant a lease of all of the land within the Quarantine Station site to one person or one unincorporated group of persons, or	5 6
(b)	grant a licence to occupy or use all of the land within the Quarantine Station site to one person or one unincorporated group of persons, or	7 8 9
(c)	grant a lease of all land within the Quarantine Station site to enable the adaptive reuse of an existing building or structure on the land for any purpose specified in section 151B (12) of that Act to one person or one unincorporated group of persons, or	10 11 12 13
(d)	grant a licence to occupy and use all land within the Quarantine Station site, and any existing building or structure on the Quarantine Station site, for any purpose to one person or one unincorporated group of persons.	14 15 16 17
(2)	If the Minister exercises a power to which this section applies in breach of this section, the lease or licence granted by the Minister in the exercise of that power is void.	18 19 20
14	Minister cannot grant leases or licences with term of 10 years or more	21
(1)	Despite Part 12 of the <i>National Parks and Wildlife Act 1974</i> , the Minister must not:	22 23
(a)	grant a lease of all of the land within the Quarantine Station site for a term of 10 years or more, or	24 25
(b)	grant a licence to occupy or use all of the land within the Quarantine Station site for a term of 10 years or more, or	26 27
(c)	grant a lease of all land within the Quarantine Station site to enable the adaptive reuse of an existing building or structure on the land for any purpose specified in section 151B (12) of that Act for a term of 10 years or more, or	28 29 30 31
(d)	grant a licence to occupy and use all land within the Quarantine Station site, and any existing building or structure on the Quarantine Station site, for any purpose for a term of 10 years or more.	32 33 34 35
(2)	If the Minister exercises a power to which this section applies in breach of this section, the lease or licence granted by the Minister in the exercise of that power is void.	36 37 38

Part 5 Administration	1
15 Financial year of the Trust	2
The financial year of the Trust is the year commencing 1 July.	3
16 Committees	4
(1) The Trust may establish committees to assist it in connection with the exercise of any of its functions.	5 6
(2) It does not matter that any or all of the members of a committee are not members of the Trust.	7 8
(3) 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.	9 10 11 12
17 Staff of the Trust	13
For the purposes of this Act any persons as may be necessary to enable the Trust to exercise its functions may be employed under Chapter 1A of the <i>Public Sector Employment and Management Act 2002</i> .	14 15 16
18 Delegation by the Trust	17
(1) The Trust may delegate to a member, a committee of the Trust or any officer of the Trust the exercise of any of its functions, other than this power of delegation.	18 19 20
(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.	21 22 23

Part 6	Miscellaneous	1
19	Regulations	2
	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:	3
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		5
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		7
	(a) the meetings of the Trust, and	8
	(b) the committees of the Trust, and	9
	(c) the use and custody of the seal of the Trust.	10
20	Savings and transitional regulations	11
(1)	The regulations may contain provisions of a savings or transitional nature consequent on the enactment of this Act.	12
		13
(2)	Any such provision may, if the regulations so provide, take effect from the date of assent to this Act or a later date.	14
		15
(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:	16
		17
		18
	(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	19
		20
		21
	(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.	22
		23
		24

Quarantine Station Preservation Trust Bill 2006

Schedule 1 Quarantine Station site

Schedule 1 Quarantine Station site

1

(Section 3)

2

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 members	1
	(Section 5 (3))	2
1	Chairperson of the Trust	3
(1)	One of the members is to be appointed as Chairperson of the Trust by the relevant instrument of appointment as a member or by another instrument executed by the Minister.	4 5 6
(2)	The Minister may remove a member 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 member.	14
2	Acting members and acting Chairperson	15
(1)	The Minister may, from time to time, appoint a person to act in the office of a member during the illness or absence of the member, and the person, while so acting, has and may exercise all the functions of the member and is taken to be a member.	16 17 18 19
(2)	The Minister may, from time to time, appoint a member to act in the office of Chairperson during the illness or absence of the Chairperson, and the member, 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 member 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
(5)	For the purposes of this clause, a vacancy in the office of a member or the Chairperson is taken to be an absence from office of the member or Chairperson, as the case may be.	29 30 31
3	Term of office	32
	Subject to this Schedule, a member holds office for such period, not exceeding 4 years, as may be specified in the instrument of appointment of the member, but is eligible (if otherwise qualified) for re-appointment.	33 34 35 36

4 Remuneration	1
(1) A member 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 member.	2 3 4
(2) In this clause: <i>member</i> includes any member of a committee of the Trust.	5 6
5 Casual vacancies	7
(1) The office of a member becomes vacant if the member:	8
(a) dies, or	9
(b) completes a term of office and is not re-appointed, or	10
(c) resigns the office by instrument in writing addressed to the Minister, or	11 12
(d) is removed from office by the Minister under this clause, or	13
(e) is absent from 3 consecutive meetings of the Trust 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	14 15 16 17 18
(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	19 20 21 22
(g) becomes a mentally incapacitated person, or	23
(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.	24 25 26 27 28
(2) The Minister may at any time remove a member from office.	29
(3) Without limiting the generality of subclause (2), the Minister may remove from office a member who contravenes the provisions of clause 7.	30 31 32
6 Filling of vacancy in office of member	33
If the office of any member becomes vacant, a person is, subject to this Act, to be appointed to fill the vacancy.	34 35

7 Disclosure of pecuniary interests	1
(1) If:	2
(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 Trust, and	3 4 5
(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,	6 7 8
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 Trust.	9 10 11
(2) A disclosure by a member at a meeting of the Trust that the member:	12
(a) is a member, or is in the employment, of a specified company or other body, or	13 14
(b) is a partner, or is in the employment, of a specified person, or	15
(c) has some other specified interest relating to a specified company or other body or to a specified person,	16 17
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).	18 19 20 21
(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.	22 23 24 25
(4) After a member has disclosed the nature of an interest in any matter, the member must not, unless the Minister otherwise determines:	26 27
(a) be present during any deliberation of the Trust with respect to the matter, or	28 29
(b) take part in any decision of the Trust with respect to the matter.	30
(5) A contravention of this clause does not invalidate any decision of the Trust.	31 32
(6) A reference in this clause to a meeting of the Trust includes a reference to a meeting of a committee of the Trust.	33 34
8 Effect of certain other Acts	35
(1) Chapter 1A of the <i>Public Sector Employment and Management Act 2002</i> does not apply to or in respect of the appointment of a member.	36 37

- (2) If by or under any Act provision is made: 1
- (a) requiring a person who is the holder of a specified office to 2
devote the whole of his or her time to the duties of that office, or 3
 - (b) prohibiting the person from engaging in employment outside the 4
duties of that office, 5
- the provision does not operate to disqualify the person from holding that 6
office and also the office of a member or from accepting and retaining 7
any remuneration payable to the person under this Act as a member. 8

9 Liability of members 9

No matter or thing done by the Trust, any member or any person acting 10
under the direction of the Trust, if the matter or thing was done in good 11
faith for the purposes of executing this or any other Act, subjects a 12
member or a person so acting personally to any action, liability, claim 13
or demand. 14

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 a majority of members for the time being.	9 10
3	Presiding member	11
(1)	The Chairperson (or, in the absence of the Chairperson, another member elected to chair the meeting by the members present) is to preside at a meeting of the Trust.	12 13 14
(2)	The presiding member has a deliberative vote and, in the event of an equality of votes, has a second or casting vote.	15 16
4	Voting	17
	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.	18 19
5	Transaction of business outside meetings or by telephone	20
(1)	The Trust may, if it thinks fit, transact any of its business by the circulation of papers among all the members of the Trust 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 Trust.	21 22 23 24
(2)	The Trust may, if it thinks fit, transact any of its business at a meeting at which members (or some members) participate by telephone, closed-circuit television or other means, but only if any member who speaks on a matter before the meeting can be heard by the other members.	25 26 27 28 29
(3)	For the purposes of:	30
	(a) the approval of a resolution under subclause (1), or	31
	(b) a meeting held in accordance with subclause (2),	32
	the Chairperson and each member have the same voting rights as they have at an ordinary meeting of the Trust.	33 34

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Schedule 3 Provisions relating to the procedure of the Trust

(4)	A resolution approved under subclause (1) is, subject to the regulations, to be recorded in the minutes of the meetings of the Trust.	1 2
(5)	Papers may be circulated among the members for the purposes of subclause (1) by facsimile or other transmission of the information in the papers concerned.	3 4 5
6	Minutes	6
	The Trust must cause full and accurate minutes to be kept of the proceedings of each meeting of the Trust.	7 8
7	First meeting	9
	The Minister may call the first meeting of the Trust in such manner as the Minister thinks fit.	10 11