

**STATE SPORTS CENTRE TRUST (AMENDMENT) ACT
1988 No. 67**

NEW SOUTH WALES



TABLE OF PROVISIONS

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SCHEDULE 1—AMENDMENT OF STATE SPORTS CENTRE TRUST ACT 1984



STATE SPORTS CENTRE TRUST (AMENDMENT) ACT 1988 No. 67

NEW SOUTH WALES



Act No. 67, 1988

An Act to amend the State Sports Centre Trust Act 1984 in relation to easements and parking offences on trust land and to amend consequentially the Justices Act 1902. [Assented to 21 November 1988]

State Sports Centre Trust (Amendment) 1988

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the State Sports Centre Trust (Amendment) Act 1988.

Commencement

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

Amendment of State Sports Centre Trust Act 1984 No. 68

3. The State Sports Centre Trust Act 1984 is amended as set out in Schedule 1.

Amendment of Justices Act 1902 No. 27

4. The Justices Act 1902 is amended by inserting (in alphabetical order) in the statutory provisions listed in paragraph (a) of the definition of "penalty notice" in section 100r (1) the following matter:

State Sports Centre Trust Act 1984, section 20B;

SCHEDULE 1—AMENDMENT OF STATE SPORTS CENTRE TRUST ACT 1984

(Sec. 3)

(1) Section 16 (**Provisions with respect to the original land of the Trust**)—

(a) Section 16 (6) (b)—

Omit the paragraph, insert instead:

(b) easements through, on or in the trust land for any purpose that it considers necessary and that would directly or indirectly assist in the attainment or carrying out of the objects of the Trust; and

(b) Section 16 (6A)—

After section 16 (6), insert:

(6A) The Trust may, with the consent of the Minister, from time to time and on such terms and conditions as are approved by the Minister, grant—

(a) easements through, on or in the original land—

(i) for the construction, laying, maintenance, replacement, repair or use of pipelines or cables or any apparatus to be used in connection with pipelines or cables; or

State Sports Centre Trust (Amendment) 1988

 SCHEDULE 1—AMENDMENT OF STATE SPORTS CENTRE TRUST
 ACT 1984—*continued*

- (ii) to a public or local authority constituted by or under any Act, a statutory body representing the Crown or any person exercising the functions of any such authority or body or other functions on behalf of the Crown; and
- (b) licences for the use of parts of the original land in connection with any such easement or proposed easement.
- (c) Section 16 (8)—
 After “subsection (6) (c)”, insert “or (6A) (b)”.
- (d) Section 16 (8)—
 Omit “, being cables, pipelines or apparatus situated on that land on the commencement day”.

(2) Sections 20A, 20B—

After section 20, insert:

Liability of vehicle owner for parking offences

20A. (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 shall, by virtue of this section, be guilty of an offence against the regulation concerned as if the person were the actual offender guilty of the parking offence.

(2) Nothing in this section affects the liability of the actual offender, but if a penalty has been imposed on or recovered from any person in relation to a parking offence no further penalty shall be imposed on or recovered from any other person in relation to that offence.

(3) The owner of a vehicle is not guilty of an offence by virtue of this section if the owner satisfies—

- (a) in any case where the offence is dealt with under section 20B—the authorised officer described in the penalty notice served under that section; or
- (b) in any other case—the court,

that the vehicle was at the relevant time a stolen vehicle or a vehicle illegally taken or used.

State Sports Centre Trust (Amendment) 1988

SCHEDULE 1—AMENDMENT OF STATE SPORTS CENTRE TRUST
ACT 1984—*continued*

(4) The owner of a vehicle is not, by virtue of this section, guilty of an offence if—

(a) in any case where the offence is dealt with under section 20B, the owner—

(i) within 21 days after service on the owner of a penalty notice under that section alleging that the owner is guilty of the offence, supplies by statutory declaration to an authorised officer described in the notice the name and address of the person who was in charge of the vehicle at all relevant times relating to the offence; or

(ii) satisfies such an authorised officer that the owner did not know and could not with reasonable diligence have ascertained that name and address; or

(b) in any other case, the owner—

(i) within 21 days after service on the owner of a summons in respect of the offence, supplies by statutory declaration to the informant the name and address of the person who was in charge of the vehicle at all relevant times relating to the offence; or

(ii) satisfies the court that the owner did not know and could not with reasonable diligence have ascertained that name and address.

(5) Any such statutory declaration if produced in any proceedings against the person named in it and in relation to the offence in respect of which the statutory declaration was supplied is evidence that that person was in charge of the vehicle at all relevant times relating to that offence.

(6) Any such statutory declaration which relates to more than one offence shall be deemed not to be a statutory declaration under, or for the purposes of, subsection (4).

(7) In this section—

“owner”, in relation to a vehicle, includes—

(a) every person who is the owner or joint owner or part owner of the vehicle and any person who has the use of the vehicle under a hire-purchase agreement (but not the lessor under any such agreement); and

State Sports Centre Trust (Amendment) 1988

 SCHEDULE 1—AMENDMENT OF STATE SPORTS CENTRE TRUST
 ACT 1984—*continued*

(b) in the case of a motor vehicle—

- (i) the person in whose name the vehicle is registered (except where that person has sold or otherwise disposed of the vehicle and has complied with the provisions of the regulations under the Motor Traffic Act 1909 applicable to the person in regard to that sale or disposal);
- (ii) if a trader's plate is affixed to it, the person to whom that trader's plate is on issue; and
- (iii) any person who, pursuant to the regulations under the Motor Traffic Act 1909, is to be treated as being, for the purposes of section 18A of that Act, the owner of the vehicle;

“parking offence” means any offence against a regulation made for or with respect to the parking of vehicles on trust land;

“registered” means registered under the Motor Traffic Act 1909;

“trader's plate” means a trader's plate issued under the Motor Traffic Act 1909 for use as prescribed by the regulations under that Act.

Penalty notices for certain offences

20B. (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 20A is guilty of, a parking offence as defined in that section, but only if the offence is prescribed for the purposes of this section.

(2) A penalty notice is a notice to the effect that, if the person served does not wish to have the matter determined by a court, the person may pay to the Trust, within the time specified in the notice, the amount of penalty prescribed by the regulations for the offence if dealt with under this section.

(3) A penalty 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 20A, 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 under this section, no person is liable to any further proceedings for the alleged offence.

State Sports Centre Trust (Amendment) 1988

SCHEDULE 1—AMENDMENT OF STATE SPORTS CENTRE TRUST
ACT 1984—*continued*

(5) Payment under this section shall not be regarded as an admission of liability for the purpose of, nor in any way affect or prejudice, 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 under 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 shall not exceed one half of a penalty unit or the maximum amount of penalty which could be imposed for the offence by a court, whichever is the lower amount.

(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.

(9) In this section, “authorised officer” means an officer of the Trust authorised by the Trust for the purposes of this section or a member of the Police Force.

[*Minister's second reading speech made in—
Legislative Council on 1 September 1988
Legislative Assembly on 13 October 1988*]

STATE SPORTS CENTRE TRUST (AMENDMENT) BILL 1988

NEW SOUTH WALES



TABLE OF PROVISIONS

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SCHEDULE 1—AMENDMENT OF STATE SPORTS CENTRE TRUST ACT 1984

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**STATE SPORTS CENTRE TRUST (AMENDMENT) BILL
1988**

NEW SOUTH WALES



No. , 1988

A BILL FOR

An Act to amend the State Sports Centre Trust Act 1984 in relation to easements and parking offences on trust land and to amend consequentially the Justices Act 1902.

*State Sports Centre Trust (Amendment) 1988***The Legislature of New South Wales enacts:****Short title**

1. This Act may be cited as the State Sports Centre Trust (Amendment) Act 1988.

5 Commencement

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

Amendment of State Sports Centre Trust Act 1984 No. 68

3. The State Sports Centre Trust Act 1984 is amended as set out in
10 Schedule 1.

Amendment of Justices Act 1902 No. 27

4. The Justices Act 1902 is amended by inserting (in alphabetical order) in the statutory provisions listed in paragraph (a) of the definition of "penalty notice" in section 100i (1) the following matter:

15 State Sports Centre Trust Act 1984, section 20B;

**SCHEDULE 1—AMENDMENT OF STATE SPORTS CENTRE
TRUST ACT 1984**

(Sec. 3)

(1) Section 16 (**Provisions with respect to the original land of the Trust**)—

20 (a) Section 16 (6) (b)—

Omit the paragraph, insert instead:

(b) easements through, on or in the trust land for any purpose that it considers necessary and that would directly or indirectly assist in the attainment or carrying out of the
25 objects of the Trust; and

(b) Section 16 (6A)—

After section 16 (6), insert:

(6A) The Trust may, with the consent of the Minister, from time to time and on such terms and conditions as are approved
30 by the Minister, grant—

(a) easements through, on or in the original land—

(i) for the construction, laying, maintenance, replacement, repair or use of pipelines or cables or any apparatus to be used in connection with pipelines
35 or cables; or

**STATE SPORTS CENTRE TRUST (AMENDMENT) BILL
1988**

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The object of this Bill is to amend the State Sports Centre Trust Act 1984—

- (a) to enable the Trust, with the consent of the Minister, to grant easements over original trust land even though a service will not be provided to the land as a consequence; and
- (b) to provide for the issuing of “on the spot” penalty notices for prescribed parking offences on trust land and make the owner of a vehicle liable in certain cases for any parking offence on trust land.

The Bill also amends consequentially the Justices Act 1902.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act is to commence on a day or days to be appointed by proclamation.

Clause 3 is a formal provision that gives effect to the Schedule of amendments to the Principal Act.

Clause 4 amends section 100i of the Justices Act 1902 to apply Part 4B of that Act (Penalty Notices) to penalty notices under proposed section 20B of the State Sports Centre Trust Act 1984 (to be inserted in the latter Act by the proposed Act). That Part will enable an enforcement order to be made by an authorised Justice if the fine to which any such penalty notice relates is not paid.

SCHEDULE 1—AMENDMENT OF STATE SPORTS CENTRE TRUST ACT 1984

Granting of easements

The Bill (Schedule 1 (1)) amends section 16 of the Principal Act so as to enable the Trust, with the consent of the Minister, to grant easements over the original trust land for the purpose of the construction and use of pipelines and cables and to grant easements over that land to public authorities for any purpose. At present, an easement over any of the trust land may be granted by the Trust only if the easement will result in the provision of services to the original trust land. The amendment removes that restriction.

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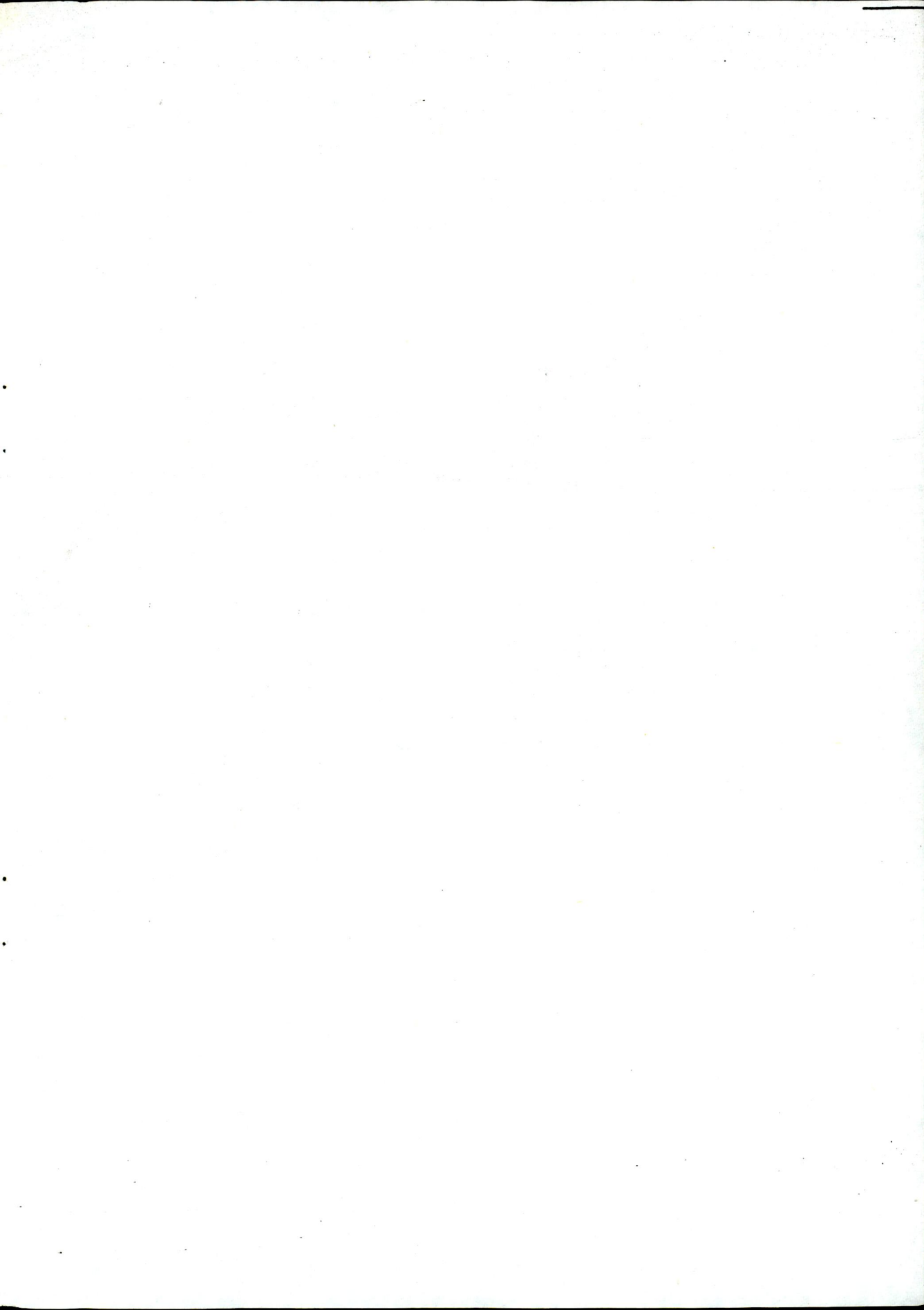
Parking offences

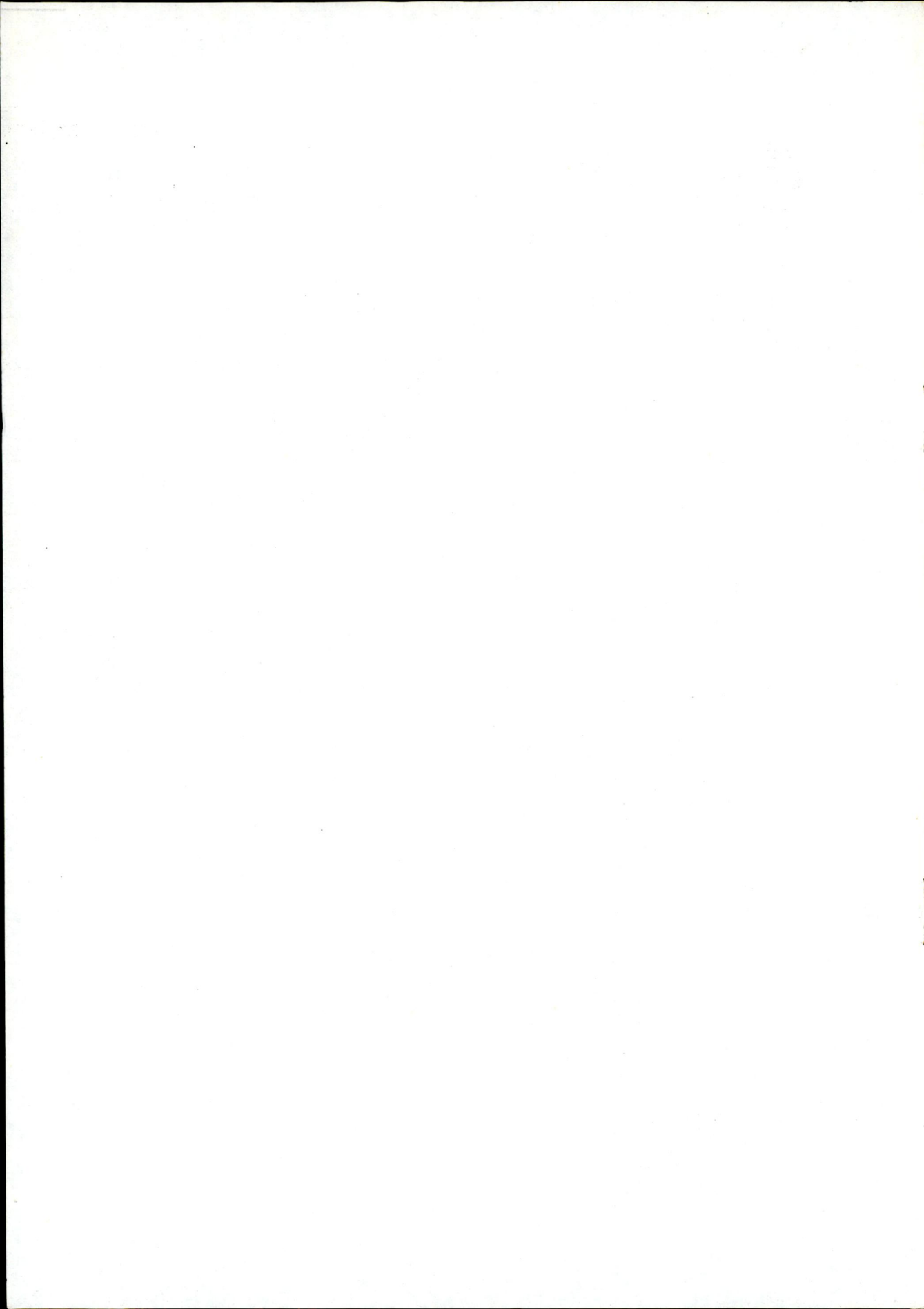
The Bill (Schedule 1 (2)) inserts proposed sections 20A and 20B into the Principal Act.

Proposed section 20A makes the owner of a vehicle liable for parking offences committed on trust land unless the owner provides the name and address of the actual offender or evidence that the owner did not know the name and address of the offender.

Proposed section 20B provides for the issue of penalty notices by authorised officers for prescribed parking offences on trust land.

A penalty of no more than half a penalty unit (presently \$50) or the maximum penalty for the relevant offence, whichever is the lesser, may be prescribed for the purposes of those proposed sections. A person's right to dispute any such offence in court is preserved by the Justices Act 1902.





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 SCHEDULE 1—AMENDMENT OF STATE SPORTS CENTRE TRUST
 ACT 1984—*continued*

5 (ii) to a public or local authority constituted by or under any Act, a statutory body representing the Crown or any person exercising the functions of any such authority or body or other functions on behalf of the Crown; and

(b) licences for the use of parts of the original land in connection with any such easement or proposed easement.

(c) Section 16 (8)—

After “subsection (6) (c)”, insert “or (6A) (b)”.

10 (d) Section 16 (8)—

Omit “, being cables, pipelines or apparatus situated on that land on the commencement day”.

(2) Sections 20A, 20B—

After section 20, insert:

15 **Liability of vehicle owner for parking offences**

20 20A. (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 shall, by virtue of this section, be guilty of an offence against the regulation concerned as if the person were the actual offender guilty of the parking offence.

25 (2) Nothing in this section affects the liability of the actual offender, but if a penalty has been imposed on or recovered from any person in relation to a parking offence no further penalty shall be imposed on or recovered from any other person in relation to that offence.

(3) The owner of a vehicle is not guilty of an offence by virtue of this section if the owner satisfies—

30 (a) in any case where the offence is dealt with under section 20B—the authorised officer described in the penalty notice served under that section; or

(b) in any other case—the court,

that the vehicle was at the relevant time a stolen vehicle or a vehicle illegally taken or used.

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SCHEDULE 1—AMENDMENT OF STATE SPORTS CENTRE TRUST
ACT 1984—*continued*

(4) The owner of a vehicle is not, by virtue of this section, guilty of an offence if—

(a) in any case where the offence is dealt with under section 20B, the owner—

(i) within 21 days after service on the owner of a penalty notice under that section alleging that the owner is guilty of the offence, supplies by statutory declaration to an authorised officer described in the notice the name and address of the person who was in charge of the vehicle at all relevant times relating to the offence; or

(ii) satisfies such an authorised officer that the owner did not know and could not with reasonable diligence have ascertained that name and address; or

(b) in any other case, the owner—

(i) within 21 days after service on the owner of a summons in respect of the offence, supplies by statutory declaration to the informant the name and address of the person who was in charge of the vehicle at all relevant times relating to the offence; or

(ii) satisfies the court that the owner did not know and could not with reasonable diligence have ascertained that name and address.

(5) Any such statutory declaration if produced in any proceedings against the person named in it and in relation to the offence in respect of which the statutory declaration was supplied is evidence that that person was in charge of the vehicle at all relevant times relating to that offence.

(6) Any such statutory declaration which relates to more than one offence shall be deemed not to be a statutory declaration under, or for the purposes of, subsection (4).

(7) In this section—

“owner”, in relation to a vehicle, includes—

(a) every person who is the owner or joint owner or part owner of the vehicle and any person who has the use of the vehicle under a hire-purchase agreement (but not the lessor under any such agreement); and

State Sports Centre Trust (Amendment) 1988

 SCHEDULE 1—AMENDMENT OF STATE SPORTS CENTRE TRUST
 ACT 1984—*continued*

(b) in the case of a motor vehicle—

- 5 (i) the person in whose name the vehicle is registered (except where that person has sold or otherwise disposed of the vehicle and has complied with the provisions of the regulations under the Motor Traffic Act 1909 applicable to the person in regard to that sale or disposal);
- 10 (ii) if a trader's plate is affixed to it, the person to whom that trader's plate is on issue; and
- (iii) any person who, pursuant to the regulations under the Motor Traffic Act 1909, is to be treated as being, for the purposes of section 18A of that Act, the owner of the vehicle;

15 "parking offence" means any offence against a regulation made for or with respect to the parking of vehicles on trust land;

"registered" means registered under the Motor Traffic Act 1909;

"trader's plate" means a trader's plate issued under the Motor Traffic Act 1909 for use as prescribed by the regulations under that Act.

20 **Penalty notices for certain offences**

20B. (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 20A is guilty of, a parking offence as defined in that section, but only if the offence is prescribed for the purposes of this section.

(2) A penalty notice is a notice to the effect that, if the person served does not wish to have the matter determined by a court, the person may pay to the Trust, within the time specified in the notice, the amount of penalty prescribed by the regulations for the offence if dealt with under this section.

(3) A penalty notice—

- (a) may be served personally or by post; or
- 35 (b) if it relates to an offence of which the owner of a vehicle is guilty by virtue of section 20A, 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 under this section, no person is liable to any further proceedings for the alleged offence.

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State Sports Centre Trust (Amendment) 1988

SCHEDULE 1—AMENDMENT OF STATE SPORTS CENTRE TRUST
ACT 1984—*continued*

(5) Payment under this section shall not be regarded as an admission of liability for the purpose of, nor in any way affect or prejudice, any civil claim, action or proceeding arising out of the same occurrence.

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(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

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(b) prescribe the amount of penalty payable for the offence if dealt with under this section; and

(c) prescribe different amounts of penalties for different offences or classes of offences.

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(7) The amount of a penalty prescribed under this section for an offence shall not exceed one half of a penalty unit or the maximum amount of penalty which could be imposed for the offence by a court, whichever is the lower amount.

(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.

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(9) In this section, “authorised officer” means an officer of the Trust authorised by the Trust for the purposes of this section or a member of the Police Force.