



New South Wales

# Quarantine Station Preservation Trust Bill 2003

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*This PUBLIC BILL, originated in the LEGISLATIVE COUNCIL and, having this day passed, is now ready for presentation to the LEGISLATIVE ASSEMBLY for its concurrence.*

*Legislative Council*

*Clerk of the Parliaments.*



New South Wales

## **Quarantine Station Preservation Trust Bill 2003**

Act No      , 2003

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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.

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Clause 1            Quarantine Station Preservation Trust Bill 2003

Part 1             Preliminary

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**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 2003*. 4

**2    Commencement** 5

                    This Act is taken to have commenced on 8 May 2003 (the date of 6  
introduction of the Bill for this Act in the Legislative Council). 7

**3    Definitions** 8

(1)    In this Act: 9

*exercise* a function includes perform a duty. 10

*function* includes a power, authority or duty. 11

*member* means a member of the Trust. 12

*Quarantine Station site* means the land for the time being described 13  
in Schedule 1. 14

*Trust* means the Quarantine Station Preservation Trust constituted 15  
by this Act. 16

(2)    Notes included in this Act are explanatory notes and do not form 17  
part of this Act. 18

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

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<b>Part 3</b>	<b>Objects and functions of the Trust</b>	1
<b>6</b>	<b>Objects of the Trust</b>	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 North Head, and	4 5
(b)	to encourage the use and appreciation of the Quarantine Station site by the public by promoting the cultural, natural, historical, educational, scientific and recreational value of that site, and	6 7 8 9
(c)	to ensure the conservation of the cultural and natural values of the Quarantine Station site and the protection of the environment of North Head, and	10 11 12
(d)	to ensure that the management of the Quarantine Station site respects the natural and cultural values of the whole of North Head, and	13 14 15
(e)	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
<b>7</b>	<b>Functions of the Trust</b>	19
(1)	The Trust may:	20
(a)	approve arrangements for the preservation, management and maintenance of the Quarantine Station site, and	21 22
(b)	approve any leases or licences of any part of the Quarantine Station site, and grants of easements through, on or in the Quarantine Station site, proposed by the Minister, and	23 24 25
(c)	approve a plan of management for the Quarantine Station site under Part 5 of the <i>National Parks and Wildlife Act 1974</i> that is integrated with the planning for the whole of North Head, and	26 27 28 29
(d)	approve any modifications to the Quarantine Station site only where consistent with its significant heritage values and relevant plans, and	30 31 32
(e)	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	33 34 35



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- |     |  |                      |
|-----|--|----------------------|
| (f) | approve and promote exhibits, lectures, films, publications and other types of educational instruction relating to the Quarantine Station site, and  | 1<br>2<br>3          |
| (g) | 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 | 4<br>5<br>6<br>7     |
| (h) | in relation to the provision of food and other refreshments in connection with the Quarantine Station site:  | 8<br>9               |
|     | (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                         | 10<br>11<br>12<br>13 |
|     | (ii) permit the provision of food and other refreshments, or   | 14                   |
|     | (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.                  | 15<br>16<br>17<br>18 |
| (2) | Subject to this Act and the regulations, the Trust has the control and management of all property of the Trust.  | 19<br>20             |
| (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.  | 21<br>22<br>23       |
| (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.   | 24<br>25<br>26       |

Clause 8	Quarantine Station Preservation Trust Bill 2003	
Part 4	Limitations on grant of leases and licences relating to Quarantine Station site	

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<b>Part 4</b>	<b>Limitations on grant of leases and licences relating to Quarantine Station site</b>	1
		2

<b>Division 1</b>	<b>Application</b>	3
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<b>8</b>	<b>Application of Part</b>	4
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(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
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		7

(a)	the power under section 151 (1) (a)–(e) to grant a lease of land within the Quarantine Station site,	8
		9

(b)	the power under section 151 (1) (f) to grant a licence to occupy or use land within the Quarantine Station site,	10
		11

(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),	12
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(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.	16
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		19

(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.	20
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<b>Division 2</b>	<b>Procedure</b>	23
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<b>9</b>	<b>Public notice must be given of proposed grant of lease and licence</b>	24
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(1)	The Minister must not exercise any power to which this Part applies unless the Minister has:	25
		26

(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	27
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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	32
		33
		34

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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<br>2<br>3<br>4<br>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<br>7<br>8           |
| (e)       | obtained the written approval of the Trust, and   | 9                     |
| (f)       | published, in at least one Sydney metropolitan newspaper, and one local 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.   | 10<br>11<br>12<br>13  |
| (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.   | 14<br>15<br>16        |
| <b>10</b> | <b>Grant of leases and licences must have prior approval of Trust</b>   | 17                    |
| (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.   | 18<br>19<br>20        |
| (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.   | 21<br>22<br>23        |
| <b>11</b> | <b>Trust must not give approval unless it considers certain factors</b>   | 24                    |
| (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:  | 25<br>26<br>27        |
| (a)       | any written comments received by the Minister in response to the Minister's notice that were forwarded to the Trust, and  | 28<br>29              |
| (b)       | any written comments received directly by the Trust in response to the Minister's notice, and   | 30<br>31              |
| (c)       | the impact of the proposal on the cultural, natural, historical, educational, scientific and recreational values of the Quarantine Station site.  | 32<br>33<br>34        |
| (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:   | 35<br>36<br>37        |
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Clause 12 Quarantine Station Preservation Trust Bill 2003

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

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- (a) less open space at the Quarantine Station site than existed when the site was reserved as part of a national park under the *National Parks and Wildlife Act 1974*, or 1  
2  
3
  - (b) an increase in the total floor area of all buildings that existed at the Quarantine Station site on that date, or 4  
5
  - (c) an adverse impact on the significant heritage values of the Quarantine Station site. 6  
7
- (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. 8  
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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. 11  
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**Division 3 Restrictions on leases or licence that may be granted** 14  
15

**12 Restrictions on leases or licences that may be granted** 16

- (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 values of the Quarantine Station site. 17  
18  
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21
- (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: 22  
23  
24
- (a) less open space at the Quarantine Station site than existed when the site was reserved as part of a national park under the *National Parks and Wildlife Act 1974*, or 25  
26  
27
  - (b) an increase in the total floor area of all buildings that existed at the Quarantine Station on that date, or 28  
29
  - (c) an adverse impact on the significant heritage values of the Quarantine Station site. 30  
31
- (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. 32  
33  
34
- (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. 35  
36  
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- 13 Minister cannot lease or licence all or a substantial part of Quarantine Station site to one person or unincorporated group of persons** 1  
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3
- (1) Despite Part 12 of the *National Parks and Wildlife Act 1974*, the Minister must not: 4  
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- (a) grant a lease of all or a substantial part of the Quarantine Station site to one person or one unincorporated group of persons, or 6  
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8
- (b) grant a licence to occupy or use all or a substantial part of the Quarantine Station site to one person or one unincorporated group of persons, or 9  
10  
11
- (c) grant a lease of all or a substantial part of 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) to one person or one unincorporated group of persons, or 12  
13  
14  
15  
16
- (d) grant a licence to occupy and use all land or a substantial part of the Quarantine Station site, and any existing building or structure, for any purpose to one person or one unincorporated group of persons. 17  
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20
- (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. 21  
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- 14 Minister cannot grant leases or licences with provisions for transfer or subletting** 24  
25
- (1) Despite the provision of the *National Parks and Wildlife Act 1974*, the Minister must not: 26  
27
- (a) grant a lease of any part of the Quarantine Station site that contains a provision: 28  
29
- (i) that enables an assignment or transfer of that lease or an assignment or transfer of any personal obligations pursuant to that lease, or 30  
31  
32
- (ii) that allows for a sublease, or 33
- (iii) that allows the lessee to mortgage any or all of the lessee's interest in that lease, or 34  
35
- (b) grant a licence to occupy or use any part of the Quarantine Station site that contains a provision: 36  
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Clause 15 Quarantine Station Preservation Trust Bill 2003

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

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- (i) that enables an assignment or transfer of that licence or an assignment or transfer of any personal obligation pursuant to that licence, or 1
    - (ii) that allows the licensee to mortgage any or all of the licensee's interest in that licence. 2
  - (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. 3
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- 15 Minister cannot grant leases and licences with term of 10 years or more** 9
- 10
- (1) Despite Part 12 of the *National Parks and Wildlife Act 1974*, the Minister must not: 11
  - (a) grant a lease of any part of the land within the Quarantine Station site for a term of 10 years or more, or 12
  - (b) grant a licence to occupy or use any part of the land within the Quarantine Station site for a term of 10 years or more, or 13
  - (c) grant a lease of any part of the 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) for a term of 10 years or more, or 14
  - (d) grant a licence to occupy and use any part of the 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, or 15
  - (e) grant a lease or licence with an option for renewal, the combined term of which is 10 years or more. 16
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- (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. 27
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<b>Part 5</b>	<b>Plan of management for inclusion of trust lands in North Head site</b>	1
		2
<b>16</b>	<b>Preparation of plan of management</b>	3
(1)	The Trust must, in accordance with any directions of the Minister, cause a plan of management to be prepared for the trust lands.	4 5
(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, an integrated biodiversity management plan and recovery plans for threatened species for the whole of North Head.	6 7 8 9
<b>17</b>	<b>Adoption etc of plan of management</b>	10
(1)	When the plan of management has been prepared, the Trust:	11
(a)	must refer the plan to the Minister, and	12
(b)	may, with the approval of the Minister, refer a copy of the plan to any other person.	13 14
(2)	The Minister may:	15
(a)	adopt the plan of management, without alteration or with such alterations as the Minister thinks fit, or	16 17
(b)	refer it back to the Trust for further consideration.	18
<b>18</b>	<b>Preparation of plan of management</b>	19
(1)	The Trust must, in accordance with any direction of the Minister, cause a plan of management to be prepared for the trust lands.	20 21
(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.	22 23 24
(3)	The plan of management must be prepared according to the <i>National Parks and Wildlife Act 1974</i> but must also:	25 26
(a)	define the manner in which the management of the trust lands will be integrated with the control and management of the whole of North Head, and	27 28 29
(b)	include:	30
(i)	a transport, traffic and parking plan for the trust lands that is integrated with an ecologically sustainable transport, traffic and parking plan for the whole of North Head, and	31 32 33 34

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- (ii) an interpretation plan for the trust lands that is integrated with an interpretation plan for the whole of North Head. 1  
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**19 Public notice must be given of proposed plan of management** 4

The Minister must not adopt any plan of management unless the Minister: 5  
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- (a) has caused notice of the plan of management to be published in at least one Sydney metropolitan newspaper and one local newspaper circulating in the locality of the trust lands, and 7  
8  
9
- (b) has, in that notice, invited public comment on the plan of management within a time specified in the notice, being not less than 30 days after the publication of the notice. 10  
11  
12

**20 Minister must have regard to public comments** 13

The Minister must not adopt any plan of management unless the Minister: 14  
15

- (a) has had regard to any written comments received in response to the notices given under section 19 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 16  
17  
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- (b) has forwarded to the Trust any written comments received in response to the notices within 30 days after the date of the last publication. 21  
22  
23

**21 Approval of plan of management by Trust** 24

The Minister must not adopt any plan of management unless the Minister has obtained the written approval of the Trust to the adoption. 25  
26  
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**22 Adoption of plan of management** 28

- (1) After the procedure in this Part has been followed, the Minister may: 29
  - (a) adopt a plan of management without alteration, or 30
  - (b) refer it back to the Trust for further consideration. 31



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- (2) If the Minister approves a plan of management, the Minister must ensure that the Minister's reasons for his or her decision to approve the plan of management are published in at least one Sydney metropolitan newspaper and one local newspaper circulating in the locality of the trust lands. 1  
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5
- (3) If the Minister fails to comply with a provision of this Part, any plan of management adopted by the Minister is void. 6  
7
- 23 Amendment or cancellation of plan of management** 8
- (1) The Trust may, in accordance with any directions of the Minister: 9
- (a) amend the plan of management from time to time, or 10
- (b) cancel the plan of management and substitute a new plan. 11
- (2) The provisions of this Part 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. 12  
13  
14  
15
- 24 Carrying out of plan of management** 16
- (1) A plan of management adopted by the Minister is to be carried out and given effect to by the Trust. 17  
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- (2) Nothing in this Part affects the operation of the *Local Government Act 1993* or the *Environmental Planning and Assessment Act 1979*. 19  
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<b>Part 6</b>	<b>Administration</b>	1
<b>25</b>	<b>Financial year of the Trust</b>	2
	The financial year of the Trust is the year commencing 1 July.	3
<b>26</b>	<b>Committees</b>	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
<b>27</b>	<b>Staff of the Trust</b>	13
	For the purposes of this Act, such other persons as may be necessary to enable the Trust to exercise its functions, may be employed under Chapter 2 of the <i>Public Sector Employment and Management Act 2002</i> .	14 15 16 17
<b>28</b>	<b>Delegation by the Trust</b>	18
(1)	The Trust may delegate to a member of the Trust, a committee of the Trust or any officer of the Trust the exercise of any of its functions, other than this power of delegation.	19 20 21
(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.	22 23 24

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**Part 7      Miscellaneous**

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**29    Regulations**

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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:

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(a) the meetings of the Trust, and

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(b) the committees of the Trust, and

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(c) the use and custody of the seal of the Trust.

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**Schedule 1 Quarantine Station site**

(Section 3 (1))

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 but not including the parcel of land known as Cannae Point.

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**Schedule 2 Provisions relating to members**

(Section 5 (3))

**1 Chairperson of the Trust**

- (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.
- (2) The Minister may remove a member from the office of Chairperson.
- (3) The Chairperson is taken to have vacated the office of Chairperson if the Chairperson:
  - (a) is removed from that office by the Minister under subclause (2), or
  - (b) resigns that office by instrument in writing addressed to the Minister, or
  - (c) ceases to be a member.

**2 Acting members and acting Chairperson**

- (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.
- (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.
- (3) The Minister may remove any person from any office to which the person was appointed under this clause.
- (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.
- (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.

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<b>3</b>	<b>Term of office</b>	1
	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.	2 3 4 5
<b>4</b>	<b>Remuneration</b>	6
(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.	7 8 9
(2)	In this clause: <i>member</i> includes any member of a committee of the Trust.	10 11
<b>5</b>	<b>Casual vacancies</b>	12
(1)	The office of a member becomes vacant if the member:	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 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	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 member from office.	34

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(3) Without limiting the generality of subclause (2), the Minister may remove from office a member who contravenes the provisions of clause 7.	1 2 3
<b>6 Filling of vacancy in office of member</b>	4
If the office of any member becomes vacant, a person is, subject to this Act, to be appointed to fill the vacancy.	5 6
<b>7 Disclosure of pecuniary interests</b>	7
(1) If:	8
(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	9 10 11
(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,	12 13 14
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.	15 16 17
(2) A disclosure by a member at a meeting of the Trust that the member:	18
(a) is a member, or is in the employment, of a specified company or other body, or	19 20
(b) is a partner, or is in the employment, of a specified person, or	21
(c) has some other specified interest relating to a specified company or other body or to a specified person,	22 23
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).	24 25 26 27
(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.	28 29 30 31
(4) After a member has disclosed the nature of an interest in any matter, the member must not, unless the Minister otherwise determines:	32 33
(a) be present during any deliberation of the Trust with respect to the matter, or	34 35

(b)	take part in any decision of the Trust with respect to the matter.	1 2
(5)	A contravention of this clause does not invalidate any decision of the Trust.	3 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 6
<b>8</b>	<b>Effect of certain other Acts</b>	7
(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 member.	8 9
(2)	If by or under any Act provision is made:	10
(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	11 12 13
(b)	prohibiting the person from engaging in employment outside the duties of that office,	14 15
	the provision does not operate to disqualify the person from holding that office and also the office of a member or from accepting and retaining any remuneration payable to the person under this Act as a member.	16 17 18 19
<b>9</b>	<b>Liability of members</b>	20
	No matter or thing done by the Trust, any member 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 member or a person so acting personally to any action, liability, claim or demand.	21 22 23 24 25



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**Schedule 3 Provisions relating to the procedure of the Trust**

(Section 5 (4))

**1 General procedure**

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.

**2 Quorum**

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

**3 Presiding trustee**

- (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.
- (2) The presiding member has a deliberative vote and, in the event of an equality of votes, has a second or casting vote.

**4 Voting**

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.

**5 Transaction of business outside meetings or by telephone**

- (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.
- (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.
- (3) For the purposes of:
  - (a) the approval of a resolution under subclause (1), or
  - (b) a meeting held in accordance with subclause (2),
 the Chairperson and each trustee have the same voting rights as they have at an ordinary meeting of the Trust.

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Schedule 3 Provisions relating to the procedure of the Trust

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(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  
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(5) Papers may be circulated among the trustees for the purposes of subclause (1) by facsimile or other transmission of the information in the papers concerned. 4  
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**6 Minutes** 7

The Trust must cause full and accurate minutes to be kept of the proceedings of each meeting of the Trust. 8  
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**7 First meeting** 10

The Minister may call the first meeting of the Trust in such manner as the Minister thinks fit. 11  
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