

[Act 2001 No 17]



New South Wales

Parramatta Park Trust Bill 2001

Explanatory note

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

Overview of Bill

Certain land at Parramatta, known as Parramatta Regional Park, is currently reserved as a regional park under the *National Parks and Wildlife Act 1974* and managed by a regional park trust constituted under that Act.

The object of this Bill is to revoke the reservation of Parramatta Regional Park under the *National Parks and Wildlife Act 1974* and to vest the land, along with certain other land, in a new Trust to be constituted by this Bill.

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

Outline of provisions

Part 1 Preliminary

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

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

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

Part 2 The Parramatta Park Trust

Clause 4 constitutes the Parramatta Park Trust.

Clause 5 provides for the Trust to consist of 7 trustees appointed by the Minister, and specifies that further provisions dealing with the trustees and the procedure of the Trust are set out in Schedules 2 and 3.

Part 3 Objects and functions of the Trust

Clause 6 sets out the objects of the Trust.

Clause 7 sets out the functions of the Trust.

Part 4 Property of the Trust

Clause 8 vests certain land described in Schedule 1 to the proposed Act in the Trust, consisting of the land in the existing Parramatta Regional Park and other land that was vested in the Minister administering the *National Parks and Wildlife Act 1974* by the *National Parks and Wildlife (Parramatta Regional Park) Act 1998*. The Governor may by proclamation add land to Schedule 1.

Clause 9 prohibits the Trust from selling, mortgaging or otherwise disposing of the principal trust lands (being the land described from time to time in Schedule 1).

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

Clause 11 restricts the ability of the Trust to dispose of property that it has acquired by gift, devise or bequest, or any additional trust lands (being land vested in the Trust that is not described in Schedule 1 to the proposed Act).

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

Clause 13 empowers the Trust to grant leases of up to 50 years over certain specified parts of the trust lands, being lands that are currently subject to long-term leases. The Minister is to consult the Treasurer before giving the Minister's approval for the grant of any lease or licence over such parts of the trust lands.

Clause 14 requires the Trust to maintain an Internet site that contains specified information relating to the granting of licences for the use of trust lands, or easements through, on or in trust lands.

Part 5 Plan of management for trust lands

Clause 15 requires the Trust to prepare a plan of management for the trust lands.

Clause 16 provides that the Trust must refer a plan of management to the Minister, who may adopt it (with or without alteration) or refer it back to the Trust for further consideration.

Clause 17 provides that the Trust may, in accordance with any directions of the Minister, amend the plan of management or cancel it and substitute a new plan.

Clause 18 requires the Trust to carry out and give effect to a plan of management adopted by the Minister.

Clause 19 provides that the financial year of the Trust is the year commencing on 1 July.

Part 6 Administration

Clause 20 empowers the Trust to establish committees to assist in connection with the exercise of any of its functions.

Clause 21 provides for the Trust to employ a Director and such other persons as may be necessary to enable the Trust to exercise its functions.

Clause 22 provides that the Director is responsible for the administration and management of the trust lands and any services provided in conjunction with the Trust lands.

Clause 23 empowers the Trust to delegate its functions to a trustee of the Trust, to a committee of the Trust, to the Director or to any other officer of the Trust.

Part 7 Miscellaneous

Clause 24 revokes the reservation of Parramatta Regional Park as a regional park under the *National Parks and Wildlife Act 1974*.

Clause 25 provides that the proposed Act does not affect the Parramatta Rail Link (as provided for in the *Transport Administration Act 1988*).

Clause 26 provides that the proposed Act does not affect the operation of the *Parramatta Park (Old Government House) Act 1967*, in particular the right of members, officers, employees and servants of the National Trust, and other authorised persons, to gain access to the site of Old Government House through Parramatta Park.

Clause 27 allows an authorised officer to require a person reasonably suspected of having committed an offence against the proposed Act or the regulations to provide the person's full name and residential address, and the person's driver licence in the case of a person driving a vehicle.

Clause 28 allows an authorised officer to require the owner of a vehicle to give information about the name and residential address of a driver of the vehicle who is alleged to have committed an offence against the proposed Act or the regulations. Other persons may also be required to give information that may lead to the identification of the driver.

Clause 29 provides for the owner of a vehicle involved in a parking offence on the trust lands to be liable as if the person were the actual offender guilty of the offence, unless the vehicle was at the relevant time a stolen vehicle or a vehicle illegally taken or used.

Clause 30 provides for penalty notices to be issued for certain offences under the Act or the regulations.

Clause 31 provides that in any legal proceedings, certain matters relating to the constitution and procedures of the Trust are not required to be proved until evidence is given to the contrary.

Clause 32 provides that proceedings for an offence against this Act or the regulations are to be dealt with summarily before a Local Court constituted by a Magistrate sitting alone.

Clause 33 provides that if a corporation commits an offence against the proposed Act or the regulations, directors and persons concerned in the management of the corporation are taken to have committed the same offence if they knowingly authorised or permitted it.

Clause 34 empowers a court to order a person convicted of an offence to pay compensation to the Trust where the commission of the offence caused loss or damage to the trust lands or other property of the Trust.

Clause 35 provides that the Trust may recover money due to it as a debt in a court of competent jurisdiction.

Clause 36 empowers the Governor to make regulations.

Clause 37 repeals the *National Parks and Wildlife (Parramatta Regional Park) Act 1998* and gives effect to the savings and transitional provisions in Schedule 4.

Clause 38 is a formal provision giving effect to the amendments to the Acts and Regulations specified in Schedule 5.

Schedules

Schedule 1 contains, in Part 1, a description of the principal trust lands being vested in the Trust. Part 2 will contain the description of any interests (such as easements or other restrictions) that are discharged from lands that are vested in the Trust as principal trust lands.

Schedule 2 makes provision for the trustees of the Trust.

Schedule 3 makes provision for the procedure of the Trust.

Schedule 4 contains savings and transitional provisions.

Schedule 5 makes consequential amendments to various Acts and Regulations.