



New South Wales

Callan Park Trust Bill 2008

Explanatory note

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

Overview of Bill

The objects of this Bill are:

- (a) to constitute the Callan Park Trust and define its objects, functions and powers, and
- (b) to vest in the Trust the land known as Callan Park, and
- (c) to make ancillary and other provisions with respect to the Trust and the land vested in the 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 3 months after the date of assent, unless commenced sooner by proclamation.

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

Part 2 The Callan Park Trust

Clause 4 constitutes the Trust as a corporation. The Trust is to be subject to the control and direction of the Minister and be a statutory body representing the Crown.

Clause 5 provides that the Trust is to consist of 10 trustees appointed or elected in the manner prescribed by the proposed section. Other provisions relating to the trustees and the procedure of the Trust are set out in Schedule 1 to the proposed Act.

Clause 6 specifies the objects of the Trust. The objects are as follows:

- (a) to maintain and improve the Trust lands,
- (b) to encourage the use and enjoyment of the Trust lands by the public by promoting and enhancing the rehabilitative, historical, scientific, educational, cultural and environmental value of the land,
- (c) to maintain the right of the public to use the Trust lands,
- (d) to define and respect the usage rights of lessees of Trust lands,
- (e) to ensure the protection of the built and natural environment within the Trust lands,
- (f) to protect and guarantee public access to the existing open space on Trust lands.

Clause 7 specifies the general functions of the Trust. These include:

- (a) making use of the Trust lands for various relevant activities, and
- (b) entering into arrangements to provide food or other refreshments on the Trust lands, and
- (c) such other functions as may be reasonably necessary for the attainment of the Trust's objects.

Clause 8 empowers the Trust to establish committees to enable it to carry out its functions and to establish, control and manage branches or departments with respect to the Trust lands or any part of those lands.

Clause 9 deals with reports and recommendations by the Trust to the Minister.

Clause 10 provides that it is the duty of the Trust to engage in effective community consultation concerning the activities and policies pursued by the Trust. The procedure for community consultation is to include the establishment of a Community Consultative Committee.

Part 3 Property of the Trust

Clause 11 vests Callan Park (being the land described in Schedule 1 to the proposed Act) in the Trust. That land is not to be appropriated or resumed except by an Act of Parliament.

Clause 12 prevents the Trust from selling, mortgaging or otherwise disposing of principal Trust lands and provides that any compulsory acquisition of trust lands may occur only by way of an Act of Parliament.

Clause 13 provides that the Trust may, when acquiring property, agree to any condition not inconsistent with the objects of the Trust. The proposed section further provides that any duties payable under the *Duties Act 1997* are not to be charged to the Trust in respect of any gift, devise or bequest made to the Trust.

Clause 14 provides that the Minister may approve of the disposal of property of the Trust despite any condition of acquisition to which the property may be subject.

Clause 15 empowers the Trust (with the approval of the Minister) to grant leases, easements and licences in relation to the Trust lands. Except for specified leases to Rozelle Hospital and the Sydney College of the Arts, leases are not to have a term that, together with the term of any further leases granted pursuant to an option, exceeds 10 years.

Part 4 Plan of management

Clause 16 requires the Trust to prepare an initial plan of management for the Trust lands and the buildings on the Trust lands. The Minister may adopt, with or without alteration, such a plan or may refer the plan back to the Trust for further consideration.

Clause 17 provides that the Minister is not to adopt a plan of management unless the local council for the area in which the Trust lands are situated has given its consent to the plan.

Clause 18 provides that the Trust is to give effect to the plan of management as adopted by the Minister.

Clause 19 requires the Minister to ensure that all of the Trust lands are the subject of a plan of management.

Part 5 Administration

Clause 20 provides that the Director is, subject to the control and direction of the Trust, responsible for the administration and management of the Trust lands and associated services.

Clause 21 provides that the Trust may delegate any of its functions to the Director, trustee or member of staff of the Trust.

Clause 22 provides that an annual endowment of such amount as Parliament approves, out of money provided by Parliament, is to be paid to the Trust by the Treasurer for the purpose of providing for the remuneration, if any, of trustees, the remuneration of persons employed under the proposed Act, and for the general operating expenses, including those related to the maintenance of the Trust lands or other property, of the Trust.

Part 6 Miscellaneous

Clause 23 provides for the annual report of the Trust (as required under the *Annual Reports (Statutory Bodies) Act 1982*) to specify the uses to which the Trust lands have been put during each reporting year.

Clause 24 enables an authorised officer to require persons to state their full name and residential address, or provide their driver's licence, in certain circumstances. Failing to comply with an authorised officers request is an offence punishable by a penalty not exceeding 10 penalty units.

Clause 25 provides that when a person who is not the owner of a vehicle is alleged to have committed an offence, the owner of that vehicle must, when required to do so by an authorised officer, provide a written statement detailing the name and residential address of the driver. If required to do so by an authorised officer any other person must provide any information that may lead to the identification of the driver.

Clause 26 provides that if a parking offence occurs on Trust lands' the owner of the vehicle is taken to have committed the offence unless they can establish that at the time of the offence the vehicle was being driven by another person. This may be achieved by establishing that the vehicle was stolen or being used illegally. A statutory declaration of the driver may be used to establish that the owner was not, at the relevant time, driving the vehicle.

Clause 27 enables penalty notices to be issued for certain offences prescribed under the regulations. 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, within the time and to the person specified in the notice, the penalty prescribed by the regulations for the offence if dealt with under the proposed section.

Clause 28 provides that, in the absence of evidence to the contrary, proof of certain matters is not required in any legal proceedings. These matters are listed in the proposed section.

Clause 29 provides that proceedings for offences under the Act or regulations under the proposed Act are to be disposed of summarily before the Local Court. Such proceedings must be commenced within 12 months of the date on which the offence is alleged to have been committed.

Clause 30 provides that when a corporation commits an offence under the Act or regulations the directors and other persons involved in the management of the company are taken to have committed the offence if they knew or authorised the act or omission constituting the offence.

Clause 31 provides that where the Trust suffers loss as a result of an offence under the Act or regulations the Trust may seek compensation from the person convicted of the offence.

Clause 32 enables the Trust to recover through a court of competent jurisdiction any money owing to it as a recoverable debt.

Clause 33 enables the Governor to make regulations under the proposed Act. In particular, the regulations may make provision for or with respect to the use and enjoyment of the Trust lands, the care, control and management of the Trust lands, the determination and payment of fees for the use of certain parts of the Trust lands and for services as the Trust may provide. The regulations may create offences punishable by a penalty not exceeding 10 penalty units.

Clause 34 is a formal provision giving effect to the amendments to the Acts and Regulations specified in Schedule 4.

Schedule 1 Land vested in the Trust

Schedule 1 sets out the land vested in the Trust.

Schedule 2 Provisions relating to the trustees

Schedule 2 sets out the provisions relating to the trustees.

Schedule 3 Provisions relating to the procedure of the Trust

Schedule 3 sets out the provisions relating to the procedure and operation of the Trust.

Schedule 4 Amendment of Acts and regulations

Schedule 4 contains amendments to various other Acts and regulations.



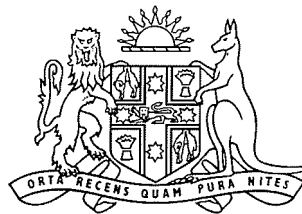
New South Wales

Callan Park Trust Bill 2008

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New South Wales

Callan Park Trust Bill 2008

No. , 2008

A Bill for

An Act to constitute the Callan Park Trust and to confer on it functions relating to the care, control and management of Callan Park; and for other purposes.

The Legislature of New South Wales enacts: 1

Part 1 Preliminary 2

1 Name of Act 3

This Act is the *Callan Park Trust Act 2008*. 4

2 Commencement 5

This Act commences 3 months after the date of assent, unless 6
commenced sooner by proclamation. 7

3 Definitions 8

(1) In this Act: 9

additional trust lands means lands (other than the principal trust lands) 10
acquired by the Trust. 11

authorised officer means: 12

(a) a police officer, or 13

(b) a person who is appointed for the time being by the Director as 14
an authorised officer for the purposes of the provision in which 15
the expression is used, or 16

(c) a person (or person belonging to a class or description of persons) 17
prescribed by the regulations. 18

Director means the Director of Callan Park holding office as such under 19
Chapter 1A of the *Public Sector Employment and Management Act* 20
2002. 21

exercise a function includes perform a duty. 22

function includes a power, authority or duty. 23

member of staff means any person who is employed under Chapter 1A 24
of the *Public Sector Employment and Management Act 2002* to enable 25
the Trust to exercise its functions. 26

plan of management means a plan of management prepared under 27
Part 4. 28

principal trust lands means the lands for the time being described in 29
Part 1 of Schedule 1. 30

relevant local council means the local council for the area in which the 31
Trust lands are situated. 32

Trust means the Callan Park Trust constituted by section 4. 33

<i>Trust lands</i> means the principal trust lands and the additional trust lands.	1
<i>trustee</i> means a trustee referred to in section 5.	2
(2) Notes included in this Act do not form part of this Act.	3
	4

Part 2	The Callan Park Trust	1
4	Constitution of Trust	2
(1)	There is constituted by this Act a corporation with the corporate name of the “Callan Park 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, for the purposes of any Act, a statutory body representing the Crown, and	8 9
(c)	is, in the exercise of its functions (except in relation to the contents of a report or recommendation made by it to the Minister), subject to the control and direction of the Minister.	10 11 12
5	Appointment and procedure of trustees	13
(1)	The Trust is to consist of 10 trustees as follows:	14
(a)	3 trustees appointed by the Governor on the recommendation of the Minister made in consultation with the Minister for Health,	15 16
(b)	3 trustees appointed by the Governor on the recommendation of relevant local council and who are residents of the council’s area,	17 18
(c)	1 trustee appointed by the Governor on the recommendation of the National Trust of Australia (New South Wales),	19 20
(d)	1 trustee appointed by the Governor on the recommendation of the Advisory Council of the Sydney College of the Arts,	21 22
(e)	1 trustee appointed by the Governor on the recommendation of a majority of the lessees of land within the Trust lands,	23 24
(f)	1 trustee elected in the manner prescribed by the regulations by persons employed for more than 20 hours per week on the Trust lands.	25 26 27
(2)	Each person appointed as a trustee must have expertise in at least one of the following areas:	28 29
(a)	park management,	30
(b)	cultural heritage management,	31
(c)	local community affairs,	32
(d)	landscape history,	33
(e)	finance,	34
(f)	planning law,	35

(g) environment,	1
(h) mental health.	2
(3) If, but for this subsection, the Governor would be unable to appoint a trustee because of the failure of the relevant recommending body or persons to recommend a person in accordance with the relevant paragraph of subsection (1) (b)–(f):	3 4 5 6
(a) the Governor, on the recommendation of the Minister, may appoint any duly qualified person to hold office as that trustee, and	7 8 9
(b) the person appointed as trustee is taken to have been appointed in accordance with the relevant paragraph.	10 11
(4) If:	12
(a) a body referred to in subsection (1) (c) or (d) changes its name, and	13 14
(b) the Minister is satisfied that the change of name is not accompanied by any change in the nature of the body,	15 16
the Minister may, by order published in the Gazette, certify to that effect and, on and from the day on which the order is so published, a reference in subsection (1) to that body is to be read as a reference to that body under its changed name.	17 18 19 20
(5) Schedule 2 has effect in respect to the trustees.	21
(6) Schedule 3 has effect in respect to the procedure of the Trust.	22
6 Objects of Trust	23
The objects of the Trust are as follows:	24
(a) to maintain and improve the Trust lands,	25
(b) to encourage the use and enjoyment of the Trust lands by the public by promoting and enhancing the rehabilitative, historical, scientific, educational, cultural and environmental value of the land,	26 27 28 29
(c) to maintain the right of the public to use the Trust lands,	30
(d) to define and respect the usage rights of lessees of Trust lands,	31
(e) to ensure the protection of the built and natural environment within the Trust lands,	32 33
(f) to protect and guarantee public access to the existing open space on Trust lands.	34 35

7	General functions of Trust	1
(1)	The Trust may:	2
(a)	control and manage the Trust lands, and	3
(b)	permit uses, and impose appropriate conditions, on any activities that are not inconsistent with the objects of the Trust, and	4 5
(c)	permit the use of the whole or any part of the Trust lands for any purpose that is consistent with the objects of the Trust and for activities of a passive and contemplative, rehabilitative, recreational, historical, scientific, educational or cultural nature, and	6 7 8 9 10
(d)	in or in connection with the Trust lands provide, or permit the provision of, food or other refreshments and apply for, hold or dispose of any licence, permit or other authority in connection with the provision of food or other refreshments, and	11 12 13 14
(e)	to ensure the protection of the built and natural environment within Trust lands, and	15 16
(f)	promote and provide exhibits, lectures, films, publications and other types of educational instruction relating to the Trust lands (including the architecture, landscaping, flora, fauna and history of the Trust lands), the history of mental health treatment and any other subject not inconsistent with the objects of the Trust, and	17 18 19 20 21
(g)	subject to the regulations, charge and receive fees or other amounts for or in connection with, any service provided article sold or permission given by the Trust in its exercise of its functions, and	22 23 24 25
(h)	enter into any contract or arrangement with any person for the purpose of promoting the objects of the Trust.	26 27
(2)	The Trust has, and may exercise, such functions, in addition to those specified in this section, as are reasonably necessary for the attainment of its objects.	28 29 30
(3)	However, the trust cannot employ any staff.	31
	Note. Staff may be employed under Chapter 1A of the <i>Public Sector Employment and Management Act 2002</i> in the Government Service to enable the Trust to exercise its functions.	32 33 34
8	Committees of the Trust	35
(1)	The Trust may establish such committees as it thinks fit for the purpose of assisting it to exercise its functions.	36 37
(2)	A person may be appointed to a committee whether or not the person is a trustee.	38 39

(3)	The Trust may establish, control and manage branches or departments with respect to the Trust lands, or any part of the Trust lands.	1 2
	Note. Section 11 also requires the Trust to establish a Community Consultative Committee.	3 4
9	Reports and recommendations to the Minister	5
	The Trust may, and when requested by the Minister must, make reports and recommendations to the Minister with respect to any matter relating to the objects of the Trust and in particular with respect to the future management of the Trust lands.	6 7 8 9
10	Community consultation	10
(1)	It is the duty of the Trust to establish an effective procedure for community consultation concerning the activities and policies pursued by the Trust from time to time.	11 12 13
(2)	The procedure for community consultation is to include the establishment of a Community Consultative Committee whose members are to be appointed by the Trust on the recommendation of the Director.	14 15 16 17
(3)	The membership and procedure of the Committee is (subject to this section) to be provided by the regulations.	18 19
(4)	The regulations may make provision for or with respect to the number of members, their appointment, term of office and removal and the filling of vacancies.	20 21 22
(5)	The Committee is to meet at least once in each quarter starting on 1 January, 1 April, 1 July and 1 October.	23 24

Part 3 Property of the Trust

11 Vesting of principal trust lands at Callan Park in the Trust	2
(1) The land described in Part 1 of Schedule 1 vests in the Trust for an estate in fee simple subject to any trusts, estates, interests, dedications, restrictions, easements, contracts, charges and rates (other than those referred to in Part 2 of that Schedule) existing in respect of the land immediately before the land is vested in the Trust.	3 4 5 6 7
(2) The land described in Part 1 of Schedule 1 is freed and discharged from any trusts, estates, interests, dedications, restrictions, easements, contracts, charges and rates referred to in Part 2 of Schedule 1.	8 9 10
(3) The Governor may by proclamation amend Part 1 of Schedule 1 for the purpose of adding to the land for the time being described in Part 1 of that Schedule:	11 12 13
(a) Crown land (within the meaning of the <i>Crown Lands Act 1989</i>) or other land of the Crown, or	14 15
(b) land of a public or local authority constituted by an Act of Parliament, or	16 17
(c) additional trust lands.	18
(4) The Governor may from time to time, by proclamation published in the Gazette, amend Part 2 of Schedule 1 for the purpose of adding any trusts, estates, interests, dedications, restrictions, easements, contracts, charges and rates to those for the time being described in Part 2 of that Schedule.	19 20 21 22 23
(5) A proclamation under this section may contain provisions of a savings or transitional nature consequent on the making of the proclamation (including provisions conferring on the Trust rights and liabilities in respect of trusts, estates, interests, dedications, restrictions, easements, contracts, charges and rates added to Part 2 of Schedule 1).	24 25 26 27 28
(6) The vesting of land effected by this section does not operate to vest in the Trust any pipeline, cable or related apparatus owned by a person other than the Minister and used for the conveyance of gas, electricity, water, drainage, sewage or any other thing and lawfully situated on the land immediately before the commencement of this section.	29 30 31 32 33
(7) If an interest in land of a person (other than a public or local authority) is divested by its addition to Part 2 of Schedule 1:	34 35
(a) compensation is payable for the divesting of that interest, and	36
(b) Part 3 of the <i>Land Acquisition (Just Terms Compensation) Act 1991</i> applies as if a proclamation adding an interest in land to	37 38

	Part 2 of Schedule 1 published under subsection (4) were an acquisition notice published by the Trust under that Act.	1 2
(8)	In subsection (7): <i>interest</i> in land has the same meaning as in the <i>Land Acquisition (Just Terms Compensation) Act 1991</i> .	3 4 5
12	Prohibition against disposal or compulsory acquisition of principal trust lands	6 7
(1)	The Trust must not sell, mortgage or otherwise dispose of any of the principal trust lands.	8 9
(2)	Despite any other Act, the principal trust lands may not be compulsorily acquired except by an Act of Parliament.	10 11
(3)	This section does not affect the operation of section 15 (Grant of leases, easements, licences etc).	12 13
13	Acquisition of certain other property	14
(1)	The Trust may agree to any condition that is not inconsistent with its objects being imposed on its acquisition of any property.	15 16
(2)	The rule of law against remoteness of vesting does not apply to any such condition to which the Trust has agreed.	17 18
(3)	If the Trust acquires any property by gift, devise or bequest, the Trust may retain the property in the form in which it was acquired, subject to any such condition to which the Trust has agreed.	19 20 21
(4)	Duty under the <i>Duties Act 1997</i> is not chargeable for or in respect of any gift, devise or bequest made or to be made to the Trust.	22 23
14	Disposal of certain other property	24
(1)	In this section: <i>condition</i> means a condition to which the Trust has agreed under section 13.	25 26 27
(2)	The Trust must not sell, mortgage or otherwise dispose of any property acquired by gift, devise or bequest, or any property being additional trust lands, except:	28 29 30
(a)	if the property was acquired without any condition—with the approval of the Minister, or	31 32
(b)	if the property was acquired subject to a condition—in accordance with the condition or subsection (3).	33 34

(3)	If the Trust determines that any property that has been acquired by the Trust subject to a condition is not required for the purposes of the Trust, the Trust may (despite that condition), with the approval of the Minister:	1
		2
		3
(a)	sell the property, or	4
(b)	exchange the property for other property, or	5
(c)	give the property to any recreational, scientific or educational institution, or	6
		7
(d)	if the Trust is of the opinion that the property is of no commercial value—dispose of the property without valuable consideration.	8
		9
15	Grant of leases, easements, licences etc	10
(1)	The Trust may, with the approval of the Minister, grant:	11
(a)	leases of parts of the Trust lands, or	12
(b)	easements through, on or in the Trust lands, or	13
(c)	licences for the use of parts of the Trust lands.	14
(2)	The term of any such lease or licence, including the term of any further lease or licence that may be granted under an option for renewal of the lease or licence, must not exceed 10 years.	15
		16
		17
(3)	However, subsection (2) does not prevent leases or licences being granted for terms of, or successive terms totalling, more than 10 years if:	18
		19
(a)	a notice stating the name of the proposed lessee or licensee, the main purpose of the proposed lease or licence and details of the proposed term and any proposed optional terms, has been tabled in each house of Parliament, and	20
		21
		22
		23
(b)	resolutions have been passed by each House confirming the proposal for the term or terms, or no resolution has been passed by either House disallowing the proposal for the term or terms within 15 sitting days after the notice was tabled in that House.	24
		25
		26
		27
(4)	Despite subsection (2) the following leases are to be granted, as from the commencement of this Act, under this section:	28
		29
(a)	a lease for a term of not less than 99 years, and at a nominal rent, to facilitate the continued presence and operation on the Trust lands of Rozelle Hospital and related facilities for the treatment of mental illness,	30
		31
		32
		33
(b)	a lease to facilitate the continued presence and operation on the trust lands of the Sydney College of Arts, being a lease on the same terms under which the Sydney College of the Arts occupied Trust lands immediately before the commencement of this section.	34
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- (5) The Trust may, with the approval of the Minister, impose restrictions on the use of, or impose positive covenants on, Trust lands or other lands in accordance with section 88D or 88E of the *Conveyancing Act 1919*. 1
2
3
- (6) In this section, ***easement*** includes an easement without a dominant tenement referred to in section 88A of the *Conveyancing Act 1919*. 4
5

Part 4	Plan of management	1
16	Preparation of initial and subsequent plans of management	2
(1)	Within 2 years of the commencement of this Act the Trust must prepare and submit to the Minister for consideration an initial plan of management for the Trust lands.	3 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.	6 7
(3)	If so directed by the Minister after adoption of a plan of management in accordance with this Part, the Trust is, within a time specified by the Minister, to prepare and submit to the Minister for consideration proposals for:	8 9 10 11
(a)	the amendment of the existing plan of management, or	12
(b)	a new plan of management to be substituted for the existing plan of management.	13 14
(4)	The Minister may:	15
(a)	adopt, without alteration, proposals submitted under this section or alter the proposals and adopt them as altered, or	16 17
(b)	return the proposals to the Trust for further consideration.	18
17	Consent of relevant local council required for plan of management	19
	The Minister is not to adopt a plan of management unless the relevant local council has given its consent to the plan of management.	20 21
18	Carrying out of plan of management	22
(1)	A plan of management adopted by the Minister is to be carried out and given effect to by the Trust.	23 24
(2)	Nothing in this Part affects the operation of the <i>Local Government Act 1993</i> or the <i>Environmental Planning and Assessment Act 1979</i> .	25 26
19	Plans of management required for all Trust land	27
	The Minister is to take such action as may be necessary under this Part to ensure that all the land comprising Trust lands from time to time are the subject of a plan or plans of management.	28 29 30

Part 5	Administration	1
20	Director	2
(1)	The Director is responsible for the administration and management of the Trust lands and any services provided in conjunction with the Trust lands.	3 4 5
(2)	The Director is, in the exercise of the Director's functions under this Act, subject to the control and direction of the Trust.	6 7
21	Delegation by Trust	8
	The Trust may delegate to the Director, a trustee or a member of staff the exercise of any of the Trust's functions under this Act or the regulations, other than this power of delegation.	9 10 11
22	Endowment	12
(1)	There is to be paid by the Treasurer to the Trust an annual endowment of such amount as Parliament approves, for the purpose of providing a statutory fund to be applied by the Trust towards:	13 14 15
(a)	the remuneration, if any, to be paid to trustees, and	16
(b)	other expenditure incurred by the Trust, and	17
(c)	general operating expenses, including those related to the maintenance of the Trust lands or other property of the Trust.	18 19
(2)	The annual endowment referred to in this section is to be paid by such instalments as the Treasurer thinks fit.	20 21
(3)	Any money payable by the Treasurer under this section is to be paid out of money provided by Parliament.	22 23

Part 6	Miscellaneous	1
23	Annual report	2
	The annual report prepared by the Trust is to specify the uses to which the Trust lands have been put during the financial year to which the annual report relates.	3 4 5
24	Requirement to state name and address	6
(1)	An authorised officer who reasonably suspects a person of having committed an offence under this Act or the regulations may require the person to state the person's full name and residential address.	7 8 9
(2)	An authorised officer may require the driver of a vehicle on the Trust lands to produce the driver's driver licence and to state the person's full name and residential address.	10 11 12
(3)	A person must not:	13
(a)	fail to comply with a requirement under this section, or	14
(b)	in purported compliance with a requirement under this section, state a name that is not the person's name or an address that is not the person's address.	15 16 17
	Maximum penalty: 10 penalty units.	18
(4)	A person is not guilty of an offence under this section unless it is established that the authorised officer warned the person that a failure to comply with the requirement is an offence.	19 20 21
25	Requirement for owner of vehicle and others to give information	22
(1)	If the driver of a vehicle is alleged to have committed an offence under this Act or the regulations:	23 24
(a)	the owner of the vehicle or the person having custody of the vehicle must, when required to do so by an authorised officer, immediately give information (which must, if so required, be given in the form of a written statement signed by that owner or person) as to the name and residential address of the driver, or	25 26 27 28 29
(b)	any other person must, if required to do so by an authorised officer, give any information that it is in the person's power to give and that may lead to the identification of the driver.	30 31 32
	Maximum penalty: 10 penalty units.	33
(2)	It is a defence to a prosecution for an offence under subsection (1) (a) if the defendant satisfies the court that the defendant did not know and could not with reasonable diligence have ascertained the driver's name or residential address.	34 35 36 37

(3)	A written statement purporting to be given under subsection (1) (a) and to contain particulars of the name and residential address of the driver of a vehicle at the time of commission of an alleged offence under this Act or the regulations that is produced in any court in proceedings against the person named in the statement as the driver for such an offence is evidence without proof of signature that the person was the driver of the vehicle at the time of the alleged offence if the person does not appear before the court.	1 2 3 4 5 6 7 8
(4)	In this section and section 26: <i>owner</i> of a vehicle includes the responsible person for the vehicle within the meaning of the <i>Road Transport (General) Act 2005</i> .	9 10 11
26	Liability of vehicle owner for parking offences	12
(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 is, by virtue of this section, guilty of an offence under the regulation concerned as if the person were the actual offender guilty of the parking offence unless:	13 14 15 16 17
(a)	in any case where the offence is dealt with under section 27, the person satisfies an authorised officer described in the notice served under that section that the vehicle was at the relevant time a stolen vehicle or a vehicle illegally taken or used, or	18 19 20 21
(b)	in any other case, the court is satisfied that the vehicle was at the relevant time a stolen vehicle or a vehicle illegally taken or used.	22 23
(2)	Nothing in this section affects the liability of the actual offender but where a penalty has been imposed on or recovered from any person in relation to a parking offence no further penalty may be imposed on or recovered from any other person in relation to that offence.	24 25 26 27
(3)	Despite subsection (1), an owner of a vehicle is not, by virtue of that subsection, guilty of an offence if:	28 29
(a)	in any case where the offence is dealt with under section 27, the person:	30 31
(i)	within 21 days after service on the person of a notice under that section alleging that the person 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	32 33 34 35 36 37
(ii)	satisfies such an authorised officer that the person did not know and could not with reasonable diligence have ascertained that name and address, or	38 39 40

(b)	in any other case, the person:	1
(i)	within 21 days after service on the person of a court attendance notice 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	2 3 4 5 6
(ii)	satisfies the court that the person did not know and could not with reasonable diligence have ascertained that name and address.	7 8 9
(4)	A statutory declaration under subsection (3) 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 vehicle at all relevant times relating to that offence.	10 11 12 13 14
(5)	A statutory declaration that relates to more than one offence is taken not to be a statutory declaration under, or for the purposes of, subsection (3).	15 16 17
(6)	In this section: <i>parking offence</i> means any offence of parking a vehicle in contravention of the regulations.	18 19 20
27	Penalty notices for certain offences	21
(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 26 is guilty of, an offence under this Act or the regulations, being an offence prescribed by the regulations.	22 23 24 25
(2)	A penalty notice is a notice to the effect that, if the person served does not wish to have the matter dealt with by a court, the person may pay, within the time and to the person specified in the notice, the amount of penalty prescribed by the regulations for the offence if dealt with under this section.	26 27 28 29 30
(3)	Any such notice:	31
(a)	may be served personally or by post, or	32
(b)	if it relates to an offence of which the owner of a vehicle is guilty by virtue of section 26, 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.	33 34 35 36
(4)	If the amount of any penalty prescribed for an alleged offence is paid in accordance with this section, no person is liable to any further proceedings for the alleged offence.	37 38 39

(5)	Payment of a penalty in accordance with this section is not to be regarded as an admission of liability for the purposes of, nor in any way as affecting or prejudicing any civil claim, action or proceeding arising out of the same occurrence.	1 2 3 4
(6)	The regulations may:	5
(a)	prescribe an offence for the purposes of this section by specifying the offence or by referring to the provision creating the offence, and	6 7 8
(b)	prescribe the amount of penalty payable for the offence if dealt with in accordance with this section, and	9 10
(c)	prescribe different amounts of penalties for different offences or classes of offences.	11 12
(7)	The amount of a penalty prescribed under this section for an offence must not exceed the maximum amount of penalty which could be imposed for the offence by a court.	13 14 15
(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.	16 17 18
28	Proof of certain matters not required	19
	In any legal proceedings, proof is not required (until evidence is given to the contrary) of:	20
(a)	the constitution of the Trust, or	21 22
(b)	any resolution of the Trust, or	23
(c)	the appointment of, or the holding of office by, any trustee, or	24
(d)	the presence of a quorum at any meeting of the Trust.	25
29	Proceedings for offences	26
(1)	Proceedings for an offence under this Act or the regulations are to be dealt with summarily before the Local Court.	27 28
(2)	Any such proceedings may be commenced within but not later than 12 months after the date on which the offence is alleged to have been committed.	29 30 31
30	Offences by corporations	32
(1)	If a corporation contravenes, whether by act or omission, any provision of this Act or the regulations, each person who is a director of the corporation or who is concerned in the management of the corporation is taken to have contravened the same provision if the person knowingly authorised or permitted the contravention.	33 34 35 36 37

(2)	A person may be proceeded against and convicted under a provision pursuant to subsection (1) whether or not the corporation has been proceeded against or has been convicted under the provision.	1 2 3
(3)	Nothing in this section affects any liability imposed on a corporation for an offence committed by the corporation under this Act or the regulations.	4 5 6
31	Compensation	7
(1)	If any person is convicted of an offence under this Act or the regulations and the court before whom the person was convicted is satisfied that the commission of the offence caused or resulted in loss or damage to the Trust lands or other property of the Trust, the court may order payment to the Trust of such sum as the court thinks fit by way of compensation for that loss or damage.	8 9 10 11 12 13
(2)	The court may make such an order whether or not it imposes a penalty for the offence.	14 15
(3)	An order made by a court under section 10 of the <i>Crimes (Sentencing Procedure) Act 1999</i> in any proceedings for an offence under this Act or the regulations operates for the purposes of subsection (1) as a conviction for the offence.	16 17 18 19
32	Recovery	20
	Any charge, fee or money owing to the Trust may be recovered as a debt due in a court of competent jurisdiction.	21 22
33	Regulations	23
(1)	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.	24 25 26 27
(2)	In particular, regulations may be made for or with respect to the following:	28 29
(a)	the use and enjoyment of the Trust lands,	30
(b)	the care, control and management of the Trust lands,	31
(c)	the determination and payment of fees for:	32
(i)	the use of the playing fields situated within the Trust lands, and	33 34
(ii)	filming or photographing within the Trust lands for the purposes of cinema or television productions or commercial use, and	35 36 37

(iii)	the use or purchase of any written or other material that is the property of the Trust, and	1 2
(iv)	such other articles or services as the Trust may provide,	3
(d)	the meetings of the Trust,	4
(e)	the committees of the Trust,	5
(f)	the election of a trustee by persons employed on the Trust lands.	6
(3)	A regulation may create an offence punishable by a penalty not exceeding 10 penalty units.	7 8
(4)	In this section, a reference to the Trust lands includes a reference to any part of the Trust lands.	9 10
34	Amendment of other Acts and regulations	11
	Each Act and regulation specified in Schedule 4 is amended as set out in that Schedule.	12 13

Schedule 1	Land vested in the Trust	1
	(Sections 3 and 11)	2
Part 1	Description of principal trust lands	3
	All that piece or parcel of land situated at Rozelle comprised in Lot 1, Deposited Plan 807747, including all structures that are fixtures on that land.	4
		5
Part 2	Interests etc discharged	6

Schedule 2	Provisions relating to the trustees	1
	(Section 5 (5))	2
1	Chairperson and Deputy Chairperson	3
(1)	The trustees are to appoint one of their number to be the Chairperson and another of their number to be the Deputy Chairperson of the Trust.	4 5
(2)	The Chairperson or Deputy Chairperson holds that office, subject to this clause, for a term specified by the Trust (but not exceeding 3 years), but is eligible for re-appointment if otherwise qualified.	6 7 8
(3)	In the absence of the Chairperson, or at the request of the Chairperson, the Deputy Chairperson may, if available, act in the place of the Chairperson.	9 10 11
(4)	While acting in the place of the Chairperson, the Deputy Chairperson has all the functions of the Chairperson and is taken to be the Chairperson.	12 13 14
(5)	The Chairperson or Deputy Chairperson vacates office as Chairperson or Deputy Chairperson if the person:	15 16
	(a) is removed from office by the Trust, or	17
	(b) resigns that office by instrument in writing addressed to the Trust, or	18 19
	(c) completes a term of office as Chairperson or Deputy Chairperson and is not re-appointed, or	20 21
	(d) ceases to be a trustee.	22
(6)	The Trust may at any time, by notice in writing, remove the Chairperson or Deputy Chairperson from office as Chairperson or Deputy Chairperson.	23 24 25
(7)	For the purposes of this clause, a trustee is not to be considered to have ceased to be a trustee by reason only of the term of office of the trustee as a trustee having expired if the trustee is re-appointed by the Governor as a trustee, or re-elected as a trustee, for a term commencing immediately after the date on which the term of office of the trustee expires.	26 27 28 29 30 31
2	Acting trustees and acting Chairperson	32
(1)	The Minister may, from time to time, appoint a person to act in the office of a trustee during the illness or absence of the trustee, and the person, while so acting, has and may exercise all the functions of the trustee and is taken to be a trustee.	33 34 35 36

(2)	The Minister may, from time to time, appoint a trustee to act in the office of Chairperson during the illness or absence of the Chairperson, and the trustee, while so acting, has and may exercise all the functions of the Chairperson and is taken to be the Chairperson.	1 2 3 4
(3)	The Minister may remove any person from any office to which the person was appointed under this clause.	5 6
(4)	A person while acting in the office of a trustee 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.	7 8 9
(5)	For the purposes of this clause, a vacancy in the office of trustee or the Chairperson is taken to be an absence from office of the trustee or Chairperson, as the case may be.	10 11 12
3	Term of office	13
(1)	Subject to this Schedule, a trustee holds office:	14
(a)	if the trustee has been appointed—for such period (not exceeding 3 years) as is specified in the trustee’s instrument of appointment, or	15 16 17
(b)	if the trustee has been elected—for a term of 3 years.	18
(2)	Trustees are eligible (if otherwise qualified) for re-appointment or re-election.	19 20
4	Remuneration	21
(1)	A trustee 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 trustee.	22 23 24
(2)	In this clause: <i>trustee</i> includes any member of a committee of the Trust.	25 26
5	Vacancy in office of trustee	27
(1)	The office of a trustee becomes vacant if the trustee:	28
(a)	dies, or	29
(b)	completes a term of office and is not re-appointed or re-elected, or	30 31
(c)	resigns the office by instrument in writing addressed to the Trust, or	32 33
(d)	is removed from office by the Governor under this clause, or	34
(e)	is absent from 4 consecutive meetings of the Trust of which reasonable notice has been given to the trustee personally or by	35 36

post, except on leave granted by the Trust or unless the trustee is excused by the Trust for having been absent from those meetings,	1
or	2
(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	3
(g) becomes a mentally incapacitated person, or	4
(h) is convicted in New South Wales of an offence that is punishable by penal servitude or 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.	5
	6
	7
(2) The Governor may at any time remove a trustee from office.	8
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6 Filling of vacancy in office of trustee	14
	15
If the office of any trustee becomes vacant, a person is, subject to this Act, to be appointed or elected to fill the vacancy.	16
	17
7 Disclosure of pecuniary interests	18
(1) If:	19
(a) a trustee has a direct or indirect pecuniary interest in a matter being considered or about to be considered at a meeting of the Trust, and	20
	21
	22
(b) the interest appears to raise a conflict with the proper performance of the trustee's duties in relation to the consideration of the matter,	23
	24
	25
the trustee must, as soon as possible after the relevant facts have come to the trustee's knowledge, disclose the nature of the interest at a meeting of the Trust.	26
	27
	28
(2) A disclosure by a trustee at a meeting of the Trust that the member:	29
(a) is a member, or is in the employment, of a specified company or other body, or	30
	31
(b) is a partner, or is in the employment, of a specified person, or	32
(c) has some other specified interest relating to a specified company or other body or to a specified person,	33
	34
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).	35
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Schedule 2 Provisions relating to the trustees

(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.	1 2 3 4
(4)	After a trustee has disclosed the nature of an interest in any matter, the trustee must not, unless the Minister otherwise determines:	5 6
	(a) be present during any deliberation of the Trust with respect to the matter, or	7 8
	(b) take part in any decision of the Trust with respect to the matter.	9
(5)	A contravention of this clause does not invalidate any decision of the Trust.	10 11
(6)	A reference in this clause to a meeting of the Trust includes a reference to a meeting of a committee of the Trust.	12 13
8	Effect of certain other Acts	14
(1)	The <i>Public Sector Employment and Management Act 2002</i> does not apply to or in respect of the appointment of a trustee and a trustee is not, as such a trustee, subject to that Act (except Chapter 5).	15 16 17
(2)	If by or under any Act provision is made:	18
	(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	19 20
	(b) prohibiting the person from engaging in employment outside the duties of that office,	21 22
	the provision does not operate to disqualify the person from holding that office and also the office of a trustee or from accepting and retaining any remuneration payable to the person under this Act as a trustee.	23 24 25
9	Liability of trustees	26
	No matter or thing done by the Trust, any trustee 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 trustee or a person so acting personally to any action, liability, claim or demand.	27 28 29 30 31

Schedule 3	Provisions relating to the procedure of the Trust	1
		2
	(Section 5 (6))	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
(1)	The quorum for a meeting of the Trust is a majority of its trustees, of whom one must be the Chairperson or Deputy Chairperson.	9 10
(2)	However, at the first meeting of the Trust or at any other meeting where at the commencement of the meeting the offices of Chairperson and Deputy Chairperson are both vacant, the quorum for the meeting is two-thirds of the trustees.	11 12 13 14
3	Presiding trustee	15
(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.	16 17 18
(2)	The presiding member has a deliberative vote and, in the event of an equality of votes, has a second or casting vote.	19 20
4	Voting	21
	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.	22 23
5	Transaction of business outside meetings or by telephone	24
(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.	25 26 27 28
(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.	29 30 31 32
(3)	For the purposes of:	33
(a)	the approval of a resolution under subclause (1), or	34

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Schedule 3 Provisions relating to the procedure of the Trust

(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.	1 2 3
(4)	A resolution approved under subclause (1) is, subject to the regulations, to be recorded in the minutes of the meetings of the Trust.	4 5
(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.	6 7 8
6	Minutes	9
	The Trust must cause full and accurate minutes to be kept of the proceedings of each meeting of the Trust.	10 11
7	The Director	12
	The Director is entitled to be heard by the Trust on any matter considered by the Trust and, unless the Trust otherwise directs, is entitled to be present at each meeting of the Trust.	13 14 15
8	First meeting	16
	The Minister may call the first meeting of the Trust in such manner as the Minister thinks fit.	17 18

Schedule 4	Amendment of Acts and regulations	1
	(Section 34)	2
4.1	Callan Park (Special Provisions) Act 2002 No 139	3
[1]	Section 5 Callan Park not to be sold or otherwise disposed of	4
	Insert “or the <i>Callan Park Trust Act 2008</i> ” after “this Act” in section 5 (1).	5
[2]	Section 5 (2)	6
	Omit the subsection.	7
[3]	Section 8 Community consultation committee	8
	Omit the section.	9
4.2	Fines Act 1996 No 99	10
	Schedule 1 Statutory provisions under which penalty notices issued	11
	Insert in alphabetical order:	12
	<i>Callan Park Trust Act 2008</i> , section 27	13
4.3	Impounding Regulation 2003	14
	Clause 5 Impounding authorities	15
	Insert in alphabetical order in the Table to the clause:	16
	Callan Park Trust	All land vested in the Trust
4.4	Protection of the Environment Operations (Penalty Notices) Regulation 2004	17
[1]	Clause 5 Enforcement officers: section 226	19
	Insert “Callan Park Trust,” after “on land vested in the” in clause 5 (6) (i).	20
[2]	Clause 5 (i) (iii)	21
	Insert after clause 5 (6) (i) (ii):	22
	(iii) in relation to land vested in the Callan Park Trust—	23
	the Division of the Government Service in which	24
	persons are employed to enable the Trust to exercise	25
	functions.	26

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Schedule 4 Amendment of Acts and regulations

4.5 Public Finance and Audit Act 1983 No 152	1
Schedule 2 Statutory bodies	2
Insert in alphabetical order:	3
Callan Park Trust	4