



New South Wales

# Greater Sydney Parklands Trust Bill 2021

## Contents

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	Page
<b>Part 1</b>	<b>Preliminary</b>
1	Name of Act 2
2	Commencement 2
3	Objects 2
4	Definitions 2
<b>Part 2</b>	<b>Constitution and management of Trust</b>
<b>Division 1</b>	<b>Constitution and management of Trust</b>
5	Constitution of Trust 3
6	Status of Trust 3
7	Ministerial control 3
<b>Division 2</b>	<b>Board of Trust</b>
8	Trust Board 3
9	Appointed members of Board 3
<b>Division 3</b>	<b>Powers of Trust</b>
10	Delegation of Trust's functions 4
11	Exercise of functions through private subsidiaries corporations, joint ventures etc 4
12	Committees 4

---

	Page
<b>Division 4      Staff of Trust</b>	
13    Chief executive	4
14    Staff	4
<b>Part 3      Functions of Trust</b>	
<b>Division 1      General functions</b>	
15    Functions—generally	6
16    Functions—associated Trusts and associated Trusts estate	7
<b>Division 2      Functions about land</b>	
17    Acquisition of land	7
18    Acquisition of property by gift, devise or bequest	7
19    Management of GSPT estate and other land	8
20    Leases, licences and easements	8
21    Open tender process to be used for leases and certain licences	9
22    Prohibition on disposal of GSPT estate	9
<b>Division 3      Planning</b>	
23    Plan of management	9
24    Government sector agencies to consult with Trust about planning and development that will impact on parklands estate	10
25    Overshadowing	10
26    Application of other laws	10
<b>Division 4      Miscellaneous</b>	
27    Outsourcing	11
28    Private subsidiary corporations etc	11
<b>Part 4      Community consultation</b>	
<b>Division 1      Consultation and engagement framework</b>	
29    Requirement to have consultation and engagement framework	12
30    Purpose	12
31    Contents	12
32    Preparation	12
33    Approval by Minister	13
34    Consultation and engagement framework	13
35    Amendment	13
36    Review	13
<b>Division 2      Community trustee boards</b>	
37    Establishment	13
38    Membership	13
39    Functions	14
40    Trust's powers	14
41    Certain Members of Parliament may attend community trustee board meetings	14

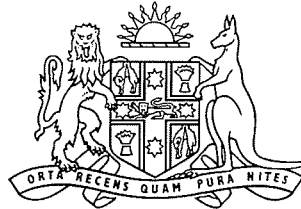
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	Page
<b>Part 5 Finance</b>	
42 Greater Sydney Parklands Trust Special Deposits Fund	16
43 Payments into Fund	16
44 Payments from Fund	16
45 Other matters relating to Trust's financial powers	16
<b>Part 6 Enforcement and legal proceedings</b>	
<b>Division 1 Authorised officers</b>	
46 Appointment	17
47 Functions	17
48 Identification card	17
<b>Division 2 Offences</b>	
49 Requirement to state name and address	17
50 Requirement for owner of vehicle and others to give information	18
51 Penalty notices	18
52 Liability of vehicle owner for certain offences	18
53 Offences by corporations	19
<b>Division 3 Legal proceedings</b>	
54 Proceedings for offences	20
55 Proof of certain matters not required	20
56 Recovery of fees, charges or other monies	20
57 Compensation for loss or damage to Trust property	20
<b>Part 7 Miscellaneous</b>	
58 Personal liability	21
59 Regulations	21
<b>Schedule 1 Constitution and procedure of Board</b>	<b>22</b>
<b>Schedule 2 Constitution and procedure of community trustee boards</b>	<b>25</b>
<b>Schedule 3 Savings and transitional provisions</b>	<b>29</b>
<b>Schedule 4 Dictionary</b>	<b>30</b>
<b>Schedule 5 Amendment of other legislation</b>	<b>32</b>

*This public bill which originated in the Legislative Assembly, has passed and is now ready for presentation to the Legislative Council for its concurrence.*

*Clerk of the Legislative Assembly.  
Legislative Assembly,  
Sydney,*

*, 2021*



New South Wales

## **Greater Sydney Parklands Trust Bill 2021**

Act No , 2021

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An Act to establish the Greater Sydney Parklands Trust and to provide for the management of the Greater Sydney Parklands Trust estate; and for other purposes.

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***EXAMINED***

*Speaker*

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The Legislature of New South Wales enacts—

## Part 1 Preliminary

### 1 Name of Act

This Act is the *Greater Sydney Parklands Trust Act 2021*.

### 2 Commencement

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

### 3 Objects

The objects of this Act are as follows—

- (a) to maintain and improve the parklands estate across Greater Sydney and ensure the parklands estate is effectively managed and operated to deliver world-class and ecologically sustainable parklands for the public,
- (b) to enable the Greater Sydney Parklands Trust to facilitate a connection to Country for First Nations peoples that—
  - (i) recognises and conserves First Nations peoples' cultural heritage and values through the use of the parklands estate, and
  - (ii) establishes long-term and mutually beneficial partnerships that give effect to the ongoing relationships of First Nations peoples with Country,
- (c) to ensure the conservation of the natural and cultural heritage values of the parklands estate and the protection of the environment within the parklands estate,
- (d) to advocate for a long-term vision to achieve the outcome of quality parklands across Greater Sydney, particularly connectivity of green corridors and public access to open space,
- (e) to encourage the use and enjoyment of the parklands estate by the community by promoting and increasing the recreational, historical, scientific, educational, cultural and environmental values of lands within the parklands estate,
- (f) to ensure the parklands estate may be used by the community in a way that is adaptive and recognises and responds to the diverse needs of the community,
- (g) to provide increased opportunity for community engagement to shape regionally significant parklands in response to diverse community needs.

### 4 Definitions

The Dictionary in Schedule 4 defines words and expressions used in this Act.

**Note.** The *Interpretation Act 1987* also contains definitions and other provisions that affect the interpretation and application of this Act.

<b>Part 2</b>	<b>Constitution and management of Trust</b>	1
<b>Division 1</b>	<b>Constitution and management of Trust</b>	2
<b>5</b>	<b>Constitution of Trust</b>	3
	The Greater Sydney Parklands Trust (the <i>Trust</i> ) is constituted.	4
<b>6</b>	<b>Status of Trust</b>	5
	The Trust is—	6
	(a) a corporation, and	7
	(b) a NSW Government agency.	8
	<b>Note—</b> See the <i>Interpretation Act 1987</i> , section 13A, which provides that a NSW Government agency has the status, privileges and immunities of the Crown.	9 10
<b>7</b>	<b>Ministerial control</b>	11
	The Trust is subject to the control and direction of the Minister in the exercise of its functions.	12 13
<b>Division 2</b>	<b>Board of Trust</b>	14
<b>8</b>	<b>Trust Board</b>	15
	(1) There is to be a Board of the Trust.	16
	(2) The Board is an advisory body for the Trust.	17
	(3) The Board consists of the following members—	18
	(a) the chief executive,	19
	(b) 7 members (the <i>appointed members</i> ) appointed by the Minister.	20
	(4) One of the appointed members is, by the member's instrument of appointment or by a subsequent instrument, to be appointed as the chairperson of the Board.	21 22
	(5) Schedule 1 has effect for the Board.	23
<b>9</b>	<b>Appointed members of Board</b>	24
	(1) In appointing Board members, the Minister must ensure the Board, as a whole, has experience or skills in the following—	25 26
	(a) community consultation,	27
	(b) environmental management,	28
	(c) financial and property management,	29
	(d) governance and risk,	30
	(e) heritage or heritage management,	31
	(f) landscape or park management.	32
	(2) The Minister must also, in appointing members of the Board, have regard to the desirability of the Board having members with diverse backgrounds, including having members who live in western Sydney.	33 34 35

## Division 3 Powers of Trust

### 10 Delegation of Trust's functions

- (1) The Trust may delegate any of its functions, other than this power of delegation, to an authorised person.
- (2) If authorised by the Trust, an authorised person may subdelegate a function delegated to the person by the Trust.

### 11 Exercise of functions through private subsidiaries corporations, joint ventures etc

A function of the Trust may be exercised by any of the following—

- (a) the Trust,
- (b) a private subsidiary corporation,
- (c) the Trust or a private subsidiary corporation, or both, in a partnership, joint venture or other association with another person or body.

**Example—** The Trust may enter into a biodiversity stewardship agreement with persons who own land adjacent to the GSPT estate.

### 12 Committees

- (1) The Trust may establish—
  - (a) a committee, known as the *Blue-Green grid committee*, to advocate for a long-term vision for and outcome of quality parklands across Greater Sydney, particularly connectivity of green corridors and public access to open space, and
  - (b) advisory committees—
    - (i) to assist the Trust in the exercise of its functions, or
    - (ii) for the purposes of public consultation.
- (2) Without limiting subsection (1), members of a committee may include—
  - (a) persons who represent government sector agencies and local councils, and
  - (b) persons who have expertise in matters relevant to the matters referred to the committee for advice, and
  - (c) other persons who are not Board members.
- (3) The procedure for the calling of meetings of a committee and for the conduct of business at those meetings is to be decided by—
  - (a) the Trust, or
  - (b) subject to paragraph (a), the committee.

## Division 4 Staff of Trust

### 13 Chief executive

- (1) The chief executive is responsible for the day-to-day management of the Trust.
- (2) An act, matter or other thing done in the name of, or on behalf of, the Trust by the chief executive is taken to have been done by the Trust.

### 14 Staff

Persons may be employed in the Public Service under the *Government Sector Employment Act 2013* to enable the Trust to exercise its functions.

**Note—** The *Government Sector Employment Act 2013*, section 59 provides that the persons so employed, or whose services the Trust makes use of, may be referred to as officers or

employees, or members of staff, of the Trust. The *Constitution Act 1902*, section 47A precludes the Trust from employing staff.

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## Part 3 Functions of Trust

### Division 1 General functions

#### 15 Functions—generally

- (1) The Trust has the following functions—
  - (a) to conserve, restore and enhance the natural environment of the parklands estate,
  - (b) to conserve, restore and enhance—
    - (i) connection to Country for First Nations peoples, and
    - (ii) the heritage values of the parklands estate,
  - (c) to facilitate and promote the use of the parklands estate for education, environmental sustainability and scientific and other research, including by providing facilities for education and research,
  - (d) to encourage and promote appropriate public access and enjoyment of the parklands estate, including by catering to a diverse range of community interests, organisations and activities,
  - (e) to provide for and facilitate a diverse range of recreational, historical, educational, environmental, cultural, sporting, entertainment and tourism uses of the parklands estate, including by providing facilities and associated services,
  - (f) to facilitate the use of the parklands estate to meet community health needs and provide opportunities for, and encourage, activities that promote health and well-being in the community,
  - (g) to consult with, and involve, the community in planning for the parklands estate and carrying out the plans, including the provision of services and facilities within the parklands estate, by establishing a transparent process for consultation about and management of the parklands estate,
  - (h) to consult with community trustee boards about any advice received from the boards about the parklands estate or parts of the parklands estate,
  - (i) to manage and operate the GSPT estate in a way that aligns with the Government's long-term vision for metropolitan open space and parklands within Greater Sydney,
  - (j) to advocate to the Government to influence the long-term vision for open space and parklands in Greater Sydney,
  - (k) to provide advice and recommendations to the Minister and government sector agencies about the implementation of the Government's long-term vision for open space and parklands within Greater Sydney,
  - (l) to undertake or facilitate business activities and the provision of facilities within the GSPT estate, but only for the following purposes—
    - (i) to maintain and improve the parklands estate across Greater Sydney,
    - (ii) to ensure the parklands estate is effectively managed and operated to deliver high quality and ecologically sustainable parklands for the public,
  - (m) to provide or permit the provision of food and other refreshments on land within the GSPT estate,
  - (n) in accordance with the regulations, to charge and receive fees, charges or other amounts for, or in connection with, services provided or permissions given by the Trust in relation to the GSPT estate,

(o)	to provide financial and operational management in relation to the GSPT estate, including maintaining the estate and other Trust assets,	1
(p)	to enter into contracts and other arrangements with persons or bodies for the purposes of this Act,	2
(q)	to ensure government sector agencies have access to major service infrastructure within the GSPT estate on terms the Trust considers appropriate,	3
	<b>Example—</b> The Trust may require that a Government agency that accesses major service infrastructure within the GSPT estate to perform works must make good damage caused to the GSPT estate at the end of the works.	4
(r)	another function given to the Trust by or under this Act or another Act.	5
(2)	To avoid doubt, the Trust's annual report under the <i>Annual Reports (Statutory Bodies) Act 1984</i> must include a report about the Trust's performance of its functions, including its functions under subsection (1)(j) and (k).	6
<b>16</b>	<b>Functions—associated Trusts and associated Trusts estate</b>	7
(1)	In addition to the Trust's functions under this Act, the Trust—	8
(a)	has all the functions of each associated Trust under the associated Trusts legislation, and	9
(b)	may exercise the functions of an associated Trust in relation to the associated Trusts estate.	10
(2)	For the purposes of subsection (1), the Trust's functions include providing financial and operational management in relation to the associated Trusts estate in accordance with the objects and functions of the associated Trusts under the associated Trusts legislation.	11
<b>Division 2</b>	<b>Functions about land</b>	12
<b>17</b>	<b>Acquisition of land</b>	13
(1)	The Trust may, for the purposes of this Act, acquire and own—	14
(a)	new parks, and	15
(b)	supplementary land.	16
(2)	Land acquired and owned under subsection (1) forms part of the GSPT estate.	17
(3)	The Trust may acquire land—	18
(a)	by agreement, or	19
(b)	by compulsory process in accordance with the <i>Land Acquisition (Just Terms Compensation) Act 1991</i> .	20
(4)	For the purposes of the <i>Public Works and Procurement Act 1912</i> —	21
(a)	acquisition of land under this Act is taken to be an authorised work, and	22
(b)	the Trust is, in relation to the authorised work, taken to be the Constructing Authority.	23
(5)	The <i>Public Works and Procurement Act 1912</i> , sections 34, 35, 36 and 37 do not apply to or in relation to works constructed under this Act.	24
<b>18</b>	<b>Acquisition of property by gift, devise or bequest</b>	25
(1)	The Trust may—	26
(a)	acquire by gift, devise or bequest property for the purposes of this Act, and	27
(b)	agree to carry out any conditions of the gift, devise or bequest.	28

(2)	The rule of law against remoteness of vesting does not apply to a condition of a gift, devise or bequest to which the Trust has agreed.	1 2
(3)	The <i>Duties Act 1997</i> does not apply to or in relation to a gift, devise or bequest made, or to be made, to the Trust.	3 4
<b>19</b>	<b>Management of GSPT estate and other land</b>	5
(1)	The Trust may enter into an agreement with a government sector agency for the Trust to—	6 7
(a)	manage, maintain, improve or develop land of the agency for the purposes of parklands for the public, or	8 9
(b)	provide services or do other things for the management, maintenance, improvement or development of land of the agency for the purposes of parklands for the public.	10 11 12
(2)	The Trust may enter into an agreement with a government sector agency for the agency to—	13 14
(a)	manage, maintain, improve or develop the GSPT estate or part of the GSPT estate, or	15 16
(b)	provide services or do other things for the management, maintenance, improvement or development of the GSPT estate or part of the GSPT estate.	17 18
	<b>Example—</b> The Trust may enter into an agreement with a government sector agency with expertise in water supply or management to manage water bodies within a park.	19 20
(3)	A function of a government sector agency, or a member of the staff of a government sector agency, in relation to the management of land that is the subject of an agreement under this section may be delegated to the Trust.	21 22 23
(4)	A function of the Trust, or a member of the staff of the Trust, in relation to the management of land that is the subject of an agreement under this section may be delegated to a government sector agency or the head of a government sector agency.	24 25 26
(5)	The Trust may subdelegate a function delegated to it under this section to an authorised person but only if authorised in writing by the delegator of the function.	27 28
(6)	If a government sector agency is authorised by or under an Act to use specified funds to manage, maintain, improve or develop land, the authorisation is taken to include providing the funds to the Trust for the management, maintenance, improvement or development of the land in accordance with arrangements entered into under this section.	29 30 31 32 33
(7)	Without limiting the <i>Property NSW Act 2006</i> , section 12, the Trust may enter into an arrangement with Property NSW under that section or this section.	34 35
<b>20</b>	<b>Leases, licences and easements</b>	36
(1)	The Trust may grant a lease, licence or easement that is consistent with the objects of this Act over land within the GSPT estate.	37 38
(2)	However, a lease, licence or easement for more than 25 years may be granted only with the Minister's consent.	39 40
(3)	The Minister's consent under subsection (2) may be—	41
(a)	given in relation to—	42
(i)	particular land or a class of land, or	43
(ii)	a particular lease, licence or easement or a class of leases, licences, or easements, and	44 45
(b)	subject to conditions, including conditions about—	46

(i)	public consultation that are consistent with the approved consultation and engagement framework, and	1
(ii)	access and use of the land that is the subject of the lease, licence or easement by the community, and	2
(c)	amended from time to time.	3
(4)	As soon as practicable after granting a lease, license or easement under this section, the Trust must give public notice about the lease, licence or easement in the way prescribed by the regulations.	4
(5)	To avoid doubt, the Trust's annual report under the <i>Annual Reports (Statutory Bodies) Act 1984</i> must include—	5
(a)	information about all leases, licences and easements granted by the Trust over land within the GSPT estate during the financial year to which the annual report relates, and	6
(b)	details of all money received by the Trust as revenue, during the financial year to which the annual report relates, from leases, licences and easements over land within the GSPT estate.	7
<b>21</b>	<b>Open tender process to be used for leases and certain licences</b>	8
	The Trust must not grant a lease, or a licence with a term of 10 years or more, over land within the GSPT estate unless the granting of the lease or licence has been the subject of an open tender process.	9
<b>22</b>	<b>Prohibition on disposal of GSPT estate</b>	10
	The Trust must not sell, exchange or otherwise dispose of the GSPT estate or land within the GSPT estate.	11
<b>Division 3</b>	<b>Planning</b>	12
<b>23</b>	<b>Plan of management</b>	13
(1)	The Trust must ensure each associated Trust—	14
(a)	has an approved plan of management for each park within the associated Trusts estate for which the associated Trust is constituted, and	15
(b)	gives effect to the approved plan of management.	16
(2)	The Trust must also ensure the Trust—	17
(a)	has an approved plan of management for each park acquired and owned by the Trust under Part 3, Division 2, and	18
(b)	gives effect to the approved plans of management.	19
(3)	If the Trust is given a proposed plan of management by an associated Trust for submission to the Minister for approval, the Trust must ensure—	20
(a)	the plan includes the following—	21
(i)	information about the strategic direction for the management of the park to which the plan relates,	22
(ii)	the activities and uses of land permitted in the park to which the plan relates,	23
(iii)	principles that will be applied in deciding whether a proposed lease, licence or easement over land within the park to which the plan relates is consistent with the objects of this Act, and	24



(b)	the plan complies with the requirements set out in the associated Trusts legislation, and	1
(c)	appropriate consultation, consistent with the approved consultation and engagement framework, has been undertaken.	2
(4)	The Trust must submit the following to the Minister for the Minister's consideration—	3
(a)	if the Trust is satisfied with a proposed plan of management given to the Trust by an associated Trust—the proposed plan of management,	4
(b)	a proposed plan of management prepared by the Trust for the purposes of subsection (2).	5
(5)	The Minister may approve, with or without changes, a plan of management submitted to the Minister under subsection (4).	6
<b>24</b>	<b>Government sector agencies to consult with Trust about planning and development that will impact on parklands estate</b>	7
(1)	The Greater Sydney Commission must, in exercising its function to lead metropolitan planning for Greater Sydney—	8
(a)	consult with the Trust about a plan that relates to, or will impact on, open space and parklands policy within Greater Sydney, and	9
(b)	have regard to submissions made by the Trust about the proposed plan.	10
(2)	If a government sector agency or a local council is proposing to carry out development within, or that will substantially impact on, the parklands estate, the agency or council must —	11
(a)	consult with the Trust about the proposed development, and	12
(b)	have regard to submissions made by the Trust about the proposed development.	13
<b>25</b>	<b>Overshadowing</b>	14
(1)	This section applies if a consent authority is considering the making of a determination to grant development consent for development that will or may overshadow the parklands estate.	15
(2)	In making its determination, the consent authority must have regard to the impact of overshadowing on public open space, including the impacts set out in a Greater Sydney Parklands shadow modelling study.	16
(3)	In this section—	17
	<i>consent authority</i> has the same meaning as in the <i>Environmental Planning and Assessment Act 1979</i> .	18
	<i>Greater Sydney Parklands shadow modelling study</i> means an overshadowing study for the Greater Sydney Parklands—	19
(a)	approved by the Minister, and	20
(b)	published in the Gazette.	21
<b>26</b>	<b>Application of other laws</b>	22
	This Division does not authorise the use or development of land within the GSPT estate in contravention of another Act or law.	23

<b>Division 4</b>	<b>Miscellaneous</b>	1
<b>27</b>	<b>Outsourcing</b>	2
(1)	The Minister may direct the Trust to arrange for any of its services to be provided, or activities to be carried out, by persons or bodies other than the Trust's staff.	3 4
(2)	A direction given by the Minister under subsection (1) may be given in relation to—	5
(a)	a particular service or activity, or	6
(b)	a class of services or activities.	7
(3)	The Trust must comply with a direction given by the Minister under subsection (1).	8
<b>28</b>	<b>Private subsidiary corporations etc</b>	9
(1)	The Trust may—	10
(a)	with the Minister's approval, form, or participate in the formation of, private subsidiary corporations, and	11 12
(b)	acquire interests in private corporations, and	13
(c)	sell or otherwise dispose of interests in private corporations.	14
(2)	However, the Trust must not, without the Minister's approval—	15
(a)	acquire an interest in a private corporation if, as a result of the acquisition, the corporation becomes a private subsidiary corporation, or	16 17
(b)	sell or otherwise dispose of an interest in a private subsidiary corporation if, as a result of the sale or disposal, it ceases to be a private subsidiary corporation.	18 19
(3)	A private subsidiary corporation is not a NSW Government agency.	20
(4)	Nothing in this section affects the operation of the <i>Government Sector Finance Act 2018</i> , Part 6.	21 22
(5)	In this section—	23
	<b><i>private corporation</i></b> means a corporation, within the meaning of the <i>Corporations Act 2001</i> of the Commonwealth, formed in or outside New South Wales.	24 25

## Part 4 Community consultation

### Division 1 Consultation and engagement framework

#### 29 Requirement to have consultation and engagement framework

The Trust must have an approved consultation and engagement framework for the parklands estate.

#### 30 Purpose

The purpose of the consultation and engagement framework is to provide guidance to the Trust about how the Trust is to consult and engage with the following on matters relating to the parklands estate, including particular parks—

- (a) the community generally,
- (b) visitors and other users of particular parks.

#### 31 Contents

- (1) The consultation and engagement framework must include the following—
  - (a) how the Trust will consult and engage with the community and relevant stakeholders about the parklands estate and particular parks,
  - (b) matters in relation to which the Trust will consult and engage with the community and relevant stakeholders.
- (2) The consultation and engagement framework must include matters in relation to community trustee boards, including—
  - (a) the appointment of members of community trustee boards, including, for example—
    - (i) the procedure for seeking expressions of interest to become a member, and
    - (ii) a process for ensuring there is a diversity of local representation and views, particularly representation by First Nations peoples, and
  - (b) subject to Schedule 2, procedures for meetings of community trustee boards, and
  - (c) reporting by the boards in relation to the boards' functions, and
  - (d) reporting by the Trust in relation to how the Trust and associated Trusts deal with the boards' advice and recommendations, including how consultation with the boards about the boards' advice will be undertaken.

#### 32 Preparation

In preparing the consultation and engagement framework, the Trust must—

- (a) consult and engage with the community and relevant stakeholders, including—
  - (i) community trustee boards, and
  - (ii) local councils, and
  - (iii) government sector agencies, and
- (b) ensure the framework is prepared in accordance with current best practice principles for community consultation and engagement.

<b>33</b>	<b>Approval by Minister</b>	1
(1)	The Trust must submit the consultation and engagement framework to the Minister for approval.	2 3
(2)	The consultation and engagement framework is of no effect until approved by the Minister, whether with or without changes.	4 5
<b>34</b>	<b>Consultation and engagement framework</b>	6
	The approved consultation and engagement framework must be published on the Trust's website.	7 8
<b>35</b>	<b>Amendment</b>	9
(1)	The Trust may, at any time, amend the approved consultation and engagement framework.	10 11
(2)	An amendment of the approved consultation and engagement framework must be prepared and approved under this Division in the same way as the consultation and engagement framework.	12 13 14
<b>36</b>	<b>Review</b>	15
	The Trust must, at least every 5 years, review the approved consultation and engagement framework.	16 17
<b>Division 2</b>	<b>Community trustee boards</b>	18
<b>37</b>	<b>Establishment</b>	19
(1)	The Trust must establish a community trustee board for each of the following parts of the parklands estate—	20 21
(a)	Callan Park, within the meaning of the <i>Callan Park Special Provisions) Act 2002</i> ,	22 23
(b)	the Trust lands, within the meaning of the <i>Centennial Park and Moore Park Trust Act 1983</i> ,	24 25
(c)	the principal trust lands, within the meaning of the <i>Parramatta Park Trust Act 2001</i> ,	26 27
(d)	the Western Sydney Parklands, within the meaning of the <i>Western Sydney Parklands Act 2006</i> , section 22.	28 29
(2)	The Trust may also establish a community trustee board for other parts of the parklands estate, including an individual park within the parklands estate.	30 31
<b>38</b>	<b>Membership</b>	32
(1)	A community trustee board has the number of members, not more than 7, appointed by the Trust.	33 34
(2)	The Trust must appoint members, in accordance with the approved consultation and engagement framework, on the recommendation of the chief executive.	35 36
(3)	In recommending persons for appointment as members of a community trustee board, the chief executive—	37 38
(a)	must be satisfied—	39
(i)	the person has sound knowledge of the relevant parkland including the activities carried out in the parkland, and	40 41

- (ii) the person is able to communicate effectively with local residents, local community groups and other persons who use the relevant parkland, and
    - (iii) the overall membership of the board will be reflective of the broad range of views and interests of the community and persons who use the relevant parkland, and
  - (b) must have regard to the need for the board to—
    - (i) be representative of diversity including, for example, in relation to gender, age and cultural background, and
    - (ii) include representation for local First Nations peoples, and
    - (iii) include a representative of—
      - (A) a local council or group of local councils, or
      - (B) an entity that represents local councils.
    - (iv) include a representative who has experience or skills in heritage or heritage management.
- (4) All members of a community trustee board must agree to and sign a Code of Conduct approved by the Trust.

### 39 Functions

The functions of a community trustee board for a relevant parkland are—

- (a) to provide advice and assistance to the Trust in the development and review of the plan of management for the relevant parkland, and
- (b) to provide advice to the Trust about proposed new or modified services and facilities for the relevant parkland, including priorities for investment, and
- (c) to stay informed about current visitor and local community issues relating to the relevant parkland and provide advice to the board about the issues, and
- (d) to be a consultative body for the Trust and the associated Trust for the relevant parkland in relation to—
  - (i) the development and review of the plan of management for the relevant parkland, and
  - (ii) matters of local relevance to the relevant parkland, including the protection and use of the relevant parkland and the business, leasing and other activities carried out on, or to be carried out on, the relevant parkland, and
- (e) another function given to community trustee boards by the Trust under this Act or another Act.

### 40 Trust's powers

The Trust may, at any time—

- (a) if a community trustee board is established for a part of the parklands estate—change the part of the parklands estate for which the community trustee board is established, or
- (b) dissolve a community trustee board.

### 41 Certain Members of Parliament may attend community trustee board meetings

- (1) This section applies if—
  - (a) a part of the parklands estate, including an individual park within the parklands estate, is in or adjacent to a Member of Parliament's electoral district under the *Electoral Act 2017*, and

- (b) a community trustee board is established for the part of the parklands estate or the whole of the parklands estate. 1  
2
- (2) The Member of Parliament, or a person nominated by the Member, is entitled to attend meetings of the community trustee board. 3  
4

## Part 5 Finance

### 42 Greater Sydney Parklands Trust Special Deposits Fund

- (1) There is to be established in the Special Deposits Account a Greater Sydney Parklands Trust Fund (the *Fund*).
- (2) Within the Fund, there is to be a separate account for—
  - (a) each associated Trust, and
  - (b) each other park owned or managed by the Trust.

### 43 Payments into Fund

- (1) The following amounts are to be paid into the Fund—
  - (a) all money received by or on account of the Trust,
  - (b) the proceeds of the investment of money in the Fund.
- (2) Despite the *Environmental Planning and Assessment Act 1979*, Part 7, Division 7.1, payments may be made out of the Fund established under that Act, section 7.28 into the Fund.
- (3) Money received by an associated Trust is to be paid into the separate account within the Fund for the associated Trust.
- (4) Money received by the Trust for another park owned or managed by the Trust is to be paid into the separate account within the Fund for the park.

### 44 Payments from Fund

Amounts required to meet expenditure incurred by the Trust in the exercise of its functions may be paid from the Fund.

### 45 Other matters relating to Trust's financial powers

- (1) The Trust may invest money in the Fund—
  - (a) if the Trust is a GSF agency for the *Government Sector Finance Act 2018*, Part 6—in a way the Trust is permitted to invest money under that Part, or
  - (b) if the Trust is not a GSF agency for the *Government Sector Finance Act 2018*, Part 6—in a way approved by the Minister with the agreement of the Treasurer.
- (2) The Trust may, in its discretion, allocate money in the Fund to expenditure for—
  - (a) the associated Trusts estate, and
  - (b) the GSPT estate.
- (3) Subject to subsection (4), the Trust must ensure that, in allocating money from a separate account in the Fund, priority is given to the associated Trust or park for which the separate account was established.
- (4) In administering the Fund, the Trust must ensure—
  - (a) there is adequate funding for each of the associated Trusts, and
  - (b) the overall sustainability of the Trust and the associated Trusts.

## **Part 6 Enforcement and legal proceedings**

### **Division 1 Authorised officers**

#### **46 Appointment**

The Trust may appoint the following to be a ranger for this Act—

- (a) a person employed in the Public Service,
- (b) a person who is a member of a class prescribed by the regulations.

#### **47 Functions**

A ranger has the functions conferred by—

- (a) this Act, or
- (b) the regulations.

#### **48 Identification card**

- (1) The Trust must issue each ranger with an identification card.
- (2) An identification card must—
  - (a) state that it is issued under this Act, and
  - (b) state the name of the person to whom it is issued, and
  - (c) describe the nature of the functions conferred on the person, and
  - (d) state the date on which the card expires, and
  - (e) be signed by the chief executive.
- (3) In exercising functions under this Act, a ranger must, if asked by a person affected by the exercise of a function, produce the ranger's identification card to the person.

### **Division 2 Offences**

#### **49 Requirement to state name and address**

- (1) An authorised officer who reasonably suspects a person of having committed an offence against this Act or the regulations may require the person to state the person's full name and residential address.
- (2) An authorised officer may require the driver of a vehicle on the GSPT estate to—
  - (a) produce the driver's driver licence, and
  - (b) state the driver's full name and residential address.
- (3) A person must not—
  - (a) fail to comply with a requirement under subsection (1) or (2), or
  - (b) in purporting to comply with a requirement under subsection (1) or (2)—
    - (i) state a name that is not the person's name, or
    - (ii) state an address that is not the person's residential address.

Maximum penalty—10 penalty units.
- (4) A person is not guilty of an offence against this section unless it is established that the authorised officer warned the person that a failure to comply with a requirement of this section is an offence.



<b>50</b>	<b>Requirement for owner of vehicle and others to give information</b>	1
(1)	If a driver of a vehicle is alleged to have committed an offence against this Act or the regulations, an authorised officer may require—	2
		3
(a)	the owner of the vehicle or another person who has custody of the vehicle to immediately give the officer information about the name and residential address of the driver, or	4
		5
		6
(b)	another person to give the officer information that—	7
	(i) is in the person's power to give, and	8
	(ii) may lead to the identification of the driver.	9
(2)	A requirement under subsection (1)(a) may require the owner or other person to give the information in a written statement signed by the owner or person.	10
		11
(3)	A person of whom a requirement is made under subsection (1)(a) or (b) must, unless the person has a reasonable excuse, comply with the requirement.	12
	Maximum penalty—10 penalty units.	13
		14
(4)	It is a defence to a prosecution for an offence against subsection (1)(a) if the defendant satisfies the court the defendant did not know, and could not with reasonable diligence have ascertained, the driver's name or residential address.	15
		16
		17
(5)	If a written statement purporting to be given under subsection (1)(a) and to contain the name and residential address of the driver of a vehicle at the time of the commission of an alleged offence against this Act or the regulations is produced in a court in proceedings against the person named in the statement as the driver for the offence, the statement 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.	18
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<b>51</b>	<b>Penalty notices</b>	25
(1)	A authorised officer may issue a penalty notice to a person if it appears to the authorised officer that the person has committed a penalty notice offence.	26
		27
(2)	A penalty notice offence is an offence against this Act or the regulations that is prescribed by the regulations as a penalty notice offence.	28
		29
(3)	The <i>Fines Act 1996</i> applies to a penalty notice issued under this section.	30
	<b>Note—</b> The <i>Fines Act 1996</i> provides that, if a person issued with a penalty notice does not wish to have the matter determined by a court, the person may pay the amount specified in the notice and is not liable to any further proceedings for the alleged offence.	31
		32
		33
(4)	The amount payable under a penalty notice issued under this section is the amount prescribed for the alleged offence by the regulations.	34
		35
(5)	The amount prescribed under subsection (4) must not be more than the maximum amount of penalty that could be imposed for the offence by a court.	36
		37
(6)	This section does not limit the operation of another provision of, or made under, this Act or another Act relating to proceedings that may be taken for offences.	38
		39
<b>52</b>	<b>Liability of vehicle owner for certain offences</b>	40
(1)	This section applies if this Act or the regulations provide for an offence in relation to a vehicle.	41
		42
(2)	The person who, at the time of the offence, is the owner of the vehicle is guilty of the offence as if the person were the actual offender.	43
		44
(3)	Subsection (2) does not apply if the owner of the vehicle—	45

(a)	for an offence dealt with by penalty notice—	1
(i)	satisfies the prescribed officer the vehicle was, at the time of the offence, stolen or otherwise illegally taken or used, or	2
(ii)	within 21 days after receiving the penalty notice, gives the prescribed officer an approved nomination notice containing the name and address of the person who was in charge of the vehicle at the time of the offence, or	3
(iii)	satisfies the prescribed officer the owner did not know, and could not with reasonable diligence have ascertained, the name and address of the person who was in charge of the vehicle at the time of the offence, or	4
(b)	otherwise—	5
(i)	satisfies the court the vehicle was at the time of the offence stolen or otherwise illegally taken or used, or	6
(ii)	within 21 days after service on the owner of a court attendance notice for the offence, gives the informant an approved nomination notice containing the name and address of the person who was in charge of the vehicle at the time of the offence, or	7
(iii)	satisfies the court the owner did not know, and could not with reasonable diligence have ascertained, the name and address of the person who was in charge of the vehicle at the time of the offence.	8
(4)	An approved nomination notice may be given by a person issued with a penalty notice within 90 days of the penalty notice being issued if the approved nomination notice is provided in the circumstances specified in the <i>Fines Act 1996</i> , section 23AA or 23AB.	9
(5)	If the owner of a vehicle gives an approved nomination notice to a prescribed officer or an informant under this section, the prescribed officer or informant may, by written notice served on the owner, require the owner to give a statutory declaration that verifies the nomination contained in the approved nomination notice.	10
(6)	A statutory declaration under subsection (5), if produced in proceedings against the person named in the declaration and in relation to the offence for which the declaration was given, is prima facie evidence that the person was in charge of the vehicle at the time the offence was committed.	11
(7)	An approved nomination notice or a statutory declaration that relates to more than one offence is taken not to be an approved nomination notice or statutory declaration for the purposes of this section.	12
(8)	In this section—	13
	<b><i>approved nomination notice</i></b> has the same meaning as in the <i>Fines Act 1996</i> , section 38.	14
	<b><i>penalty notice</i></b> means a penalty notice issued under section 49.	15
	<b><i>prescribed officer</i></b> means the prescribed officer referred to in a penalty notice.	16
<b>53</b>	<b>Offences by corporations</b>	17
(1)	This section applies if a corporation commits an offence against this Act or the regulations.	18
(2)	Each of the following persons is taken to have committed the same offence if the person knowingly authorised or permitted the act or omission constituting the offence—	19
(a)	a director of the corporation,	20
(b)	another person concerned in the management of the corporation.	21

- (3) Subsection (2) does not apply to an offence against section 50(3). 1
- (4) Proceedings may be brought against a person mentioned in subsection (2), and the 2  
person convicted, whether or not— 3
  - (a) proceedings are brought against the corporation, or 4
  - (b) the corporation is convicted of an offence. 5
- (5) This section does not affect any liability imposed on a corporation for an offence 6  
committed by the corporation. 7

### **Division 3      Legal proceedings** 8

#### **54      Proceedings for offences** 9

Proceedings for an offence against this Act or the regulations may be dealt with 10  
summarily before the Local Court. 11

#### **55      Proof of certain matters not required** 12

In legal proceedings under this Act, proof is not required, unless evidence is given to 13  
the contrary, of the following matters— 14

- (a) the constitution of the Trust, Board or a community trustee board, 15
- (b) a resolution of the Board or a community trustee board, 16
- (c) the appointment of, or the holding of office by, a Board member, 17
- (d) the presence of a quorum at a meeting of the Board or a community trustee 18  
board, 19
- (e) the appointment of a ranger. 20

#### **56      Recovery of fees, charges or other monies** 21

A charge, fee or other money due to the Trust under this Act is recoverable by the 22  
Trust in a court of competent jurisdiction as a debt due to the Crown. 23

#### **57      Compensation for loss or damage to Trust property** 24

- (1) This section applies if— 25
  - (a) a person is convicted of an offence against this Act or the regulations, and 26
  - (b) the court before which the person was convicted is satisfied the commission of 27  
the offence caused or resulted in loss or damage to the GSPT estate or other 28  
property of the Trust. 29
- (2) The court may order the person to pay to the Trust the amount the court thinks 30  
appropriate by way of compensation for the loss or damage. 31
- (3) The court may make an order under subsection (2) whether or not it imposes a 32  
penalty for the offence. 33
- (4) An order made by a court under the *Crimes (Sentencing Procedure) Act 1999*, section 34  
10 in proceedings for an offence against this Act or the regulations is, for subsection 35  
(1), taken to be a conviction of the offence. 36

## Part 7 Miscellaneous

### 58 Personal liability

- (1) A thing done or omitted to be done by a relevant person does not subject the relevant person personally to an action, liability, claim or demand if the thing was done, or omitted to be done, in good faith for the purposes of this Act or associated Trusts legislation.
- (2) In this section—  
*relevant person* means the following—
  - (a) a Board member,
  - (b) a member of a committee established by the Trust, including a community trustee board,
  - (c) a person employed in the Public Service under the *Government Sector Employment Act 2013* to enable the Trust to exercise its functions,
  - (d) a person acting under the direction of a person mentioned in paragraph (a)–(c).

### 59 Regulations

- (1) The Governor may make regulations about a matter that is—
  - (a) required or permitted by this Act to be prescribed, or
  - (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.
- (2) Without limiting subsection (1), the regulations may provide for the following—
  - (a) the fees and charges that may be imposed for the purposes of this Act,
  - (b) regulating the use by the public of, and the conduct of the public on, the parklands estate,
  - (c) regulating the use of the Trust's facilities and the provision of services by the Trust,
  - (d) requiring the payment of charges for the use of a facility operated, or service provided, by the Trust,
  - (e) authorising a person granted a lease, licence or other authority by the Trust to require the payment of charges for the use of a facility operated, or service provided, under the lease, licence or other authority.
- (3) The regulations may create offences punishable by a maximum penalty of 50 penalty units.

## Schedule 1 Constitution and procedure of Board

section 8(5)

### Part 1 General

#### 1 Definition

In this Schedule—

*Chairperson* means the Chairperson of the Board.

### Part 2 Constitution

#### 2 Terms of office of members

Subject to this Schedule and the regulations, an appointed member holds office for the period, not more than 5 years, specified in the member's instrument of appointment, but is eligible, if otherwise qualified, for re-appointment.

#### 3 Part-time appointments

Appointed members hold office as part-time members.

#### 4 Remuneration

An appointed member is entitled to be paid the remuneration, including travelling and subsistence allowances, as the Minister may from time to time decide for the member.

#### 5 Vacancy in office of member

(1) The office of an appointed member becomes vacant if the member—

- (a) dies, or
- (b) completes a term of office and is not re-appointed, or
- (c) resigns the office by written instrument addressed to the Minister, or
- (d) is removed from office by the Minister under this section, or
- (e) is absent from 3 consecutive Board meetings 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
- (f) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with the member's creditors or makes an assignment of the member's remuneration for the creditors' benefit, or
- (g) becomes a mentally incapacitated person, or
- (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.

(2) The Minister may, at any time, remove an appointed member from office.

#### 6 Filling of vacancy in office of appointed member

If the office of an appointed member becomes vacant, a person is, subject to this Act and the regulations, to be appointed to fill the vacancy.

<b>7</b>	<b>Chairperson</b>	1
(1)	A person appointed as the Chairperson vacates office as Chairperson if the person—	2
(a)	is removed from the office by the Minister under this section, or	3
(b)	resigns office by written instrument addressed to the Minister, or	4
(c)	ceases to be a Board member.	5
(2)	The Minister may at any time remove the Chairperson from office as Chairperson.	6
<b>8</b>	<b>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 Board, and	9
(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,	10
	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 Board.	11
(2)	A disclosure by a member at a meeting of the Board that the member—	12
(a)	is a member, or is in the employment, of a specified company or other body, or	13
(b)	is a partner, or is in the employment, of a specified person, or	14
(c)	has some other specified interest relating to a specified company or other body or to a specified person,	15
	is a sufficient disclosure of the nature of the interest in a 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 subsection (1).	16
(3)	Particulars of a disclosure made under this section must be recorded by the Board in a book kept for the purpose and the book must be open at all reasonable hours to inspection by a person on payment of the fee determined by the Board.	17
(4)	After a member has disclosed the nature of an interest in a matter, the member must not, unless the Minister or the Board otherwise determines—	18
(a)	be present during a deliberation of the Board about the matter, or	19
(b)	take part in a decision of the Board about the matter.	20
(5)	For the purposes of the making of a determination by the Board under subsection (4), a member who has a direct or indirect pecuniary interest in a matter to which the disclosure relates must not—	21
(a)	be present during a deliberation of the Board for the purpose of making the determination, or	22
(b)	take part in the making by the Board of the determination.	23
(6)	A contravention of this section does not invalidate a decision of the Board.	24
(7)	This section applies to a member of a committee of the Board and the committee in the same way as it applies to a Board member and the Board.	25
<b>9</b>	<b>Effect of certain other Acts</b>	26
(1)	The provisions of the <i>Government Sector Employment Act 2013</i> relating to the employment of Public Service employees do not apply to an appointed member.	27
(2)	If, by or under an Act, provision is made—	28

- (a) requiring a person who is the holder of a specified office to devote the whole of the person's time to the duties of the office, or
  - (b) prohibiting the person from engaging in employment outside the duties of the office,
- the provision does not operate to disqualify the person from holding the office and also the office of an appointed member or from accepting and retaining remuneration payable to the person under this Act as a member.

## Part 3 Procedure

### 10 General procedure

The procedure for calling Board meetings and for conducting the meetings is, subject to this Act and the regulations, to be determined by the Board.

### 11 Quorum

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

### 12 Presiding member

- (1) The Chairperson or, in the absence of the Chairperson, a person elected by the Board members who are present at a meeting of the Board is to preside at a meeting of the Board.
- (2) The presiding member has a deliberative vote and, if there is an equality of votes, has a second or casting vote.

### 13 Voting

A decision supported by a majority of the votes cast at a meeting of the Board at which a quorum is present is the decision of the Board.

### 14 Transaction of business outside meetings or by telephone etc

- (1) The Board may, if it thinks fit, transact any of its business by the circulation of papers among all the Board members for the time being, and a written resolution approved in writing by a majority of the members is taken to be a decision of the Board made at a meeting of the Board.
- (2) The Board may, if it thinks fit, transact any of its business at a meeting at which members, or some members, participate by telephone or other electronic means, but only if a member who speaks on a matter before the meeting can be heard by the other members.
- (3) For the purposes of the approval of a resolution under subsection (1), or a meeting held in accordance with subsection (2), the Chairperson and each other member have the same voting rights as they have at an ordinary meeting of the Board.
- (4) A resolution approved under subsection (1) is, subject to the regulations, to be recorded in the minutes of the Board meetings.
- (5) Papers may be circulated among the members for the purposes of subsection (1) by electronic means.

### 15 First meeting

The Minister may call the first meeting of the Board in the way the Minister thinks fit.

## Schedule 2 Constitution and procedure of community trustee boards

section 31(2)(b)

### Part 1 General

#### 1 Definitions

In this Schedule—

*board* means a community trustee board.

*board chairperson* means the chairperson of a board.

### Part 2 Constitution

#### 2 Terms of office of members

- (1) Subject to this Schedule and the regulations, a member holds office for the period, not more than 2 years, specified in the member's instrument of appointment.
- (2) A member is eligible, if otherwise qualified, for re-appointment but not for more than 2 consecutive terms.

#### 3 Part-time appointments

Members hold office as part-time members on a voluntary basis and are not entitled to remuneration.

#### 4 Vacancy in office of member

- (1) The office of a member becomes vacant if the member—
  - (a) dies, or
  - (b) completes a term of office and is not re-appointed, or
  - (c) resigns the office by written instrument addressed to the Chairperson of the Trust, or
  - (d) is removed from office by the Chairperson of the Trust under this section, or
  - (e) is absent from 3 consecutive meetings of the board of which reasonable notice has been given to the member personally or by post, except on leave granted by the board chairperson or unless the member is excused by the board chairperson for having been absent from those meetings, or
  - (f) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with the member's creditors or makes an assignment of the member's remuneration for the creditors' benefit, or
  - (g) becomes a mentally incapacitated person, or
  - (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.
- (2) The Chairperson of the Trust may, at any time remove a member from office at any time.



<b>5</b>	<b>Filling of vacancy in office of appointed member</b>	<b>1</b>
	If the office of an appointed member becomes vacant, a person is, subject to this Act and the regulations, to be appointed to fill the vacancy.	2 3
<b>6</b>	<b>Board chairperson</b>	<b>4</b>
(1)	The board chairperson vacates office as board chairperson if the board chairperson—	5
(a)	is removed from that office by the Chairperson of the Trust under this section, or	6 7
(b)	resigns that office by instrument in writing addressed to the Chairperson of the Trust, or	8 9
(c)	ceases to be a member of the board.	10
(2)	The Chairperson of the Trust may at any time remove the board chairperson from office as board chairperson.	11 12
<b>7</b>	<b>Disclosure of pecuniary interests</b>	<b>13</b>
(1)	If—	14
(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 board, and	15 16
(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,	17 18
	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 board.	19 20
(2)	A disclosure by a member at a meeting of the board that the member—	21
(a)	is a member, or is in the employment, of a specified company or other body, or	22
(b)	is a partner, or is in the employment, of a specified person, or	23
(c)	has some other specified interest relating to a specified company or other body or to a specified person,	24 25
	is a sufficient disclosure of the nature of the interest in a 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 subsection (1).	26 27 28
(3)	Particulars of a disclosure made under this section must be recorded by the board in a book kept for the purpose and that book must be open at all reasonable hours to inspection by a person on payment of the fee determined by the board.	29 30 31
(4)	After a member has disclosed the nature of an interest in a matter, the member must not, unless the Chairperson of the Trust or the board otherwise determines—	32 33
(a)	be present during a deliberation of the board about the matter, or	34
(b)	take part in a decision of the board about the matter.	35
(5)	For the purposes of the making of a determination by the board under subsection (4), a member who has a direct or indirect pecuniary interest in a matter to which the disclosure relates must not—	36 37 38
(a)	be present during a deliberation of the board for the purpose of making the determination, or	39 40
(b)	take part in the making by the board of the determination.	41
(6)	A contravention of this section does not invalidate a decision of the board.	42

<b>8</b>	<b>Effect of certain other Acts</b>	1
	If, by or under an Act, provision is made—	2
	(a) requiring a person who is the holder of a specified office to devote the whole of the person's time to the duties of that office, or	3
	(b) prohibiting the person from engaging in employment outside the duties of that office,	4
	the provision does not operate to disqualify the person from holding that office and also the office of a member.	5
		6
		7
		8
<b>Part 3</b>	<b>Procedure</b>	9
<b>9</b>	<b>General procedure</b>	10
	The procedure for the calling of meetings of the board and for the conduct of business at those meetings is, subject to this Act and the regulations, to be as determined by the board.	11
		12
		13
<b>10</b>	<b>Quorum</b>	14
	The quorum for a meeting of the board is a majority of its members for the time being.	15
		16
<b>11</b>	<b>Presiding member</b>	17
	(1) The board chairperson or, in the absence of the board chairperson, a person elected by the members of the board who are present at a meeting of the board is to preside at a meeting of the board.	18
		19
		20
	(2) The presiding member has a deliberative vote and, if there is an equality of votes, has a second or casting vote.	21
		22
<b>12</b>	<b>Voting</b>	23
	A decision supported by a majority of the votes cast at a meeting of the board at which a quorum is present is the decision of the board.	24
		25
<b>13</b>	<b>Transaction of business outside meetings or by telephone etc</b>	26
	(1) The board may, if it thinks fit, transact any of its business by the circulation of papers among all the members of the board for the time being, and a written resolution in writing approved in writing by a majority of the members is taken to be a decision of the board made at a meeting of the board.	27
		28
		29
		30
	(2) The board may, if it thinks fit, transact any of its business at a meeting at which members, or some members, participate by telephone or other electronic means, but only if a member who speaks on a matter before the meeting can be heard by the other members.	31
		32
		33
		34
	(3) For the purposes of the approval of a resolution under subsection (1), or a meeting held in accordance with subsection (2), the board chairperson and each other member have the same voting rights as they have at an ordinary meeting of the board.	35
		36
		37
	(4) A resolution approved under subsection (1) is, subject to the regulations, to be recorded in the minutes of the meetings of the board.	38
		39
	(5) Papers may be circulated among the members for the purposes of subsection (1) by electronic means.	40
		41

<b>14</b>	<b>First meeting</b>	1
	The chief executive may call the first meeting of the board in the way the chief executive thinks fit.	2
		3

## Schedule 3 Savings and transitional provisions

### Part 1 General

#### 1 Transitional regulation-making power

- (1) The regulations may contain provisions of a savings or transitional nature (a *savings or transitional provision*) consequent on the commencement of—
  - (a) a provision of this Act, or
  - (b) a provision amending this Act.
- (2) A savings or transitional provision consequent on the commencement of a provision must not be made more than 2 years after the commencement.
- (3) A savings or transitional provision made consequent on the commencement of a provision is repealed 2 years after the commencement.
- (4) A savings or transitional provision made consequent on the commencement of a provision may take effect before the commencement but not before—
  - (a) for a provision of this Act—the date of assent to this Act, or
  - (b) for a provision amending this Act—the date of assent to the amending Act.
- (5) A savings or transitional provision taking effect before its publication on the NSW legislation website does not, before its publication—
  - (a) affect the rights of a person in a way prejudicial to the person, or
  - (b) impose liabilities on a person for anything done or omitted to be done.
- (6) In this section—
 

*person* does not include—

  - (a) the State, or
  - (b) an authority of the State.

### Part 2 Provisions consequent on enactment of this Act

#### 2 Approved plan of management

- (1) Despite section 23, the Trust is not required to have an approved plan of management for Callan Park until the day that is 3 years after the section commences.
- (2) In this section—
 

*Callan Park* has the same meaning as in the *Callan Park (Special Provisions) Act 2002*.

#### 3 Approved consultation and engagement framework

Despite section 29, the Trust is not required to have an approved consultation and engagement framework for the parklands estate until the day that is 12 months after the section commences.

## Schedule 4 Dictionary

	1
	2
section 4	3
<b>appointed member</b> —see section 8(3)(b).	4
<b>approved consultation and engagement framework</b> means the consultation and engagement framework prepared by the Trust and approved by the Minister under Part 4, Division 1.	5
<b>approved plan of management</b> means a plan of management approved by the Minister.	6
<b>associated Trust</b> means a Trust within the meaning of the associated Trusts legislation.	7
<b>associated Trusts estate</b> means all land owned or managed by the associated Trusts.	8
<b>associated Trusts legislation</b> means the following Acts, and regulations made under the Acts—	9
(a) the <i>Callan Park (Special Provisions) Act 2002</i> ,	10
(b) the <i>Centennial Park and Moore Park Trust Act 1983</i> ,	11
(c) the <i>Parramatta Park Trust Act 2001</i> ,	12
(d) the <i>Western Sydney Parklands Act 2006</i> .	13
<b>authorised officer</b> means—	14
(a) a ranger, or	15
(b) a police officer.	16
<b>authorised person</b> means—	17
(a) a Board member, or	18
(b) a person employed in the Public Service under the <i>Government Sector Employment Act 2013</i> to enable the Trust to exercise its functions, or	19
(c) the head of a government sector agency or another member of the staff of a government sector agency, or	20
(d) a person who is a member of a class of persons prescribed by the regulations.	21
<b>Board</b> means the Board of the Trust established under section 8.	22
<b>Board member</b> means a person who is a member of the Board under section 8(3).	23
<b>chief executive</b> means the chief executive of the Trust under section 13.	24
<b>community trustee board</b> means a board established under section 37.	25
<b>entity</b> includes—	26
(a) a person, and	27
(b) an unincorporated body.	28
<b>exercise</b> a function includes perform a duty.	29
<b>function</b> includes a power, authority or duty.	30
<b>Fund</b> —see section 42.	31
<b>government sector agency</b> has the same meaning as in the <i>Government Sector Employment Act 2013</i> , section 3(1) and includes a State owned corporation.	32
<b>Greater Sydney</b> means the area consisting of—	33
(a) the Greater Sydney Region within the meaning of the <i>Greater Sydney Commission Act 2015</i> , and	34
(b) the Central Coast local government area.	35
<b>Greater Sydney Parklands Trust</b> means the Greater Sydney Parklands Trust constituted under section 7.	36
<b>GSPF agency</b> has the same meaning as in the <i>Government Sector Finance Act 2018</i> .	37
<b>GSPT estate</b> means—	38
	39
	40
	41
	42
	43

(a) all parklands directly owned or managed by the Trust, and	1
(b) supplementary land.	2
<b>owner</b> , of a vehicle, includes the responsible person for the vehicle within the meaning of the <i>Road Transport Act 2013</i> .	3
	4
<b>parklands estate</b> means all parklands owned or managed by the Trust, including—	5
(a) parklands directly owned or managed by the Trust, and	6
(b) the associated Trusts estate.	7
<b>private subsidiary corporation</b> means a private corporation in which the Trust has a controlling interest.	8
	9
<b>ranger</b> means a person appointed under section 46.	10
<b>relevant parkland</b> , for a community trustee board, means—	11
(a) if the community trustee board is established for the whole of the parklands estate—the parklands estate, or	12
	13
(b) if the community trustee board is established for a part of the parklands estate or an individual park—the part of the parklands estate or individual park for which the board is established.	14
	15
	16
<b>supplementary land</b> means land outside the parklands estate that is owned or managed by the Trust.	17
	18
<b>Trust</b> means the Greater Sydney Parklands Trust.	19

## Schedule 5 Amendment of other legislation

### 5.1 Callan Park (Special Provisions) Act 2002 No 139

#### [1] Section 3 Definitions

Insert in alphabetical order in section 3—

*community trustee board* has the same meaning as in the *Greater Sydney Parklands Trust Act 2021*.

*Trust* means the Greater Sydney Parklands Trust constituted under the *Greater Sydney Parklands Trust Act 2021*.

#### [2] Section 5A

Insert after section 5—

##### 5A Acquisition of substratum or part of Callan Park for public purpose

(1) Despite section 5, the substratum of Callan Park, or a part of Callan Park, may be acquired for a public purpose.

(2) In this section—

*public purpose* has the same meaning as in the *Land Acquisition (Just Terms Compensation) Act 1991*.

#### [3] Section 6 Leases, licences and management agreements

Omit “renewal of the lease or licence, must not exceed 10 years.” from section 6(2).

Insert instead—

renewal of the lease or licence, must not exceed—

(a) for relevant premises—50 years, and

(b) otherwise—10 years.

#### [4] Section 6(3)

Insert “(b)” after “subsection (2)”.

#### [5] Section 6(5A)

Insert after section 6(5)—

(5A) To avoid doubt, a lease, licence or contract under this section may be granted or entered into for the purposes of an arts or cultural event, including on a commercial basis.

**Example—** a lease granted for a music festival to be held within Callan Park

#### [6] Section 6(9)

Insert after section 6(8)—

(9) In this section—

*relevant premises* means the following—

(a) Kirkbride,

(b) Broughton Hall,

(c) the Convalescent Cottages.

<b>[7] Section 6A</b>	1
Insert after section 6—	2
<b>6A Open tender process to be used for leases and certain licences</b>	3
The Trust must not grant a lease, or a licence with a term of 10 years or more, over Callan Park unless the granting of the lease or licence has been the subject of an open tender process.	4 5 6
<b>[8] Section 7 Development at Callan Park restricted</b>	7
Omit section 7(1).	8
<b>[9] Section 7(3)</b>	9
Omit the subsection. Insert instead—	10
(3) Development may be carried out at Callan Park, with development consent, for the following purposes on a not-for-profit basis—	11 12
(a) arts and culture facilities,	13
(b) community facilities,	14
(c) educational facilities,	15
(d) food and drink premises,	16
(e) health facilities.	17
<b>Note—</b> Development may be carried out for a purpose referred to in this subsection only on a not-for-profit basis and not on a commercial basis.	18 19
(3A) However, development for the following purposes is prohibited at Callan Park—	20 21
(a) function centres,	22
(b) hotels,	23
(c) retirement villages.	24
<b>[10] Section 7(5) and (5A)</b>	25
Omit the second sentence from subsection (5). Insert after the subsection—	26
(5A) Subsection (5) does not prevent the erection of the following outside the footprints or building envelopes of the existing buildings—	27 28
(a) accessibility or safety structures,	29
(b) amenities blocks,	30
(c) temporary structures.	31
<b>[11] Section 7(9), definition of “educational facility”</b>	32
Omit “on a not-for-profit basis”.	33
<b>[12] Sections 8 and 8A</b>	34
Omit section 8. Insert instead—	35
<b>8 Community trustee boards</b>	36
(1) This section applies if there is a community trustee board for Callan Park.	37
(2) The Trust must, in exercising its functions in relation to Callan Park—	38
(a) consult with the community trustee board, and	39



(b)	have regard to the advice and recommendation of the board in relation to Callan Park.	1 2
(3)	Without limiting subsection (2), the Trust must consult with and have regard to the advice of a community trustee board established for Callan Park about the following—	3 4 5
(a)	the development and review of the plan of management for Callan Park,	6
(b)	proposed new or modified services and facilities for Callan Park,	7
(c)	matters of local relevance to Callan Park, including the protection and use of Callan Park and the business and other activities carried out, or to be carried out, on Callan Park.	8 9 10
(4)	In this section— <b>Callan Park</b> includes a part of Callan Park.	11 12
<b>8A</b>	<b>Compliance with approved consultation and engagement framework</b>	13
(1)	The Trust must, in exercising its functions in relation to consultation and engagement with any of the following, comply with the approved consultation and engagement framework—	14 15 16
(a)	the community generally,	17
(b)	visitors and other users of Callan Park,	18
(c)	a community trustee board established for Callan Park,	19
(d)	other stakeholders.	20
(2)	In this section— <b>approved consultation and engagement framework</b> means the consultation and engagement framework approved by the Minister under the <i>Greater Sydney Parklands Trust Act 2021</i> .	21 22 23 24
<b>5.2</b>	<b>Centennial Park and Moore Park Trust Act 1983 No 145</b>	25
<b>[1]</b>	<b>Section 4 Definitions</b>	26
	Insert in alphabetical order in section 4(1)—	27
	<b>approved consultation and engagement framework</b> means the consultation and engagement framework approved by the Minister under the <i>Greater Sydney Parklands Trust Act 2021</i> .	28 29 30
	<b>authorised person</b> means—	31
(a)	a police officer, or	32
(b)	an authorised officer appointed under section 16.	33
	<b>Greater Sydney Parklands Trust</b> has the same meaning as in the <i>Greater Sydney Parklands Trust Act 2021</i> .	34 35
	<b>owner</b> , of a vehicle, includes the responsible person for the vehicle within the meaning of the <i>Road Transport Act 2013</i> .	36 37
<b>[2]</b>	<b>Section 7 Appointment and procedure</b>	38
	Omit section 7(1). Insert instead—	39
(1)	The Trust consists of the following members—	40
(a)	the Chief Executive,	41
(b)	the 7 appointed members of the Board of the Greater Sydney Parklands Trust.	42 43

<b>[3] Section 9 Functions of Trust</b>	1
Omit “shall have, and may exercise, such functions, in addition to those specified in this section, as are reasonably necessary for the attainment of its objects, but” from section 9(10).	2 3 4
<b>[4] Section 9(10)</b>	5
Omit “ <i>Public Authorities (Financial Accommodation) Act 1981</i> ”.	6
Insert instead “ <i>Government Sector Finance Act 2018</i> ”.	7
<b>[5] Section 9A</b>	8
Insert after section 9—	9
<b>9A Open tender process to be used for leases and certain licences</b>	10
The Trust must not grant a lease, or a licence with a term of 10 years or more, over all or part of the Trust lands unless the granting of the lease or licence has been the subject of an open tender process.	11 12 13
<b>[6] Section 12A</b>	14
Insert after section 12—	15
<b>12A Delegation of Trust’s functions</b>	16
(1) The Trust may delegate any of its functions, other than this power of delegation, to an authorised person.	17 18
(2) If authorised by the Trust, an authorised person may subdelegate a function delegated to the person by the Trust.	19 20
(3) In this section—	21
<b>authorised person</b> means—	22
(a) a trustee, or	23
(b) a member of the staff of the Greater Sydney Parklands Trust, or	24
(c) the head of a government sector agency or another member of the staff of a government sector agency, or	25 26
(d) a person who is a member of a class of persons prescribed by the regulations.	27 28
<b>[7] Parts 2A and 3</b>	29
Omit the Parts. Insert instead—	30
<b>Part 3 Planning, consultation and engagement</b>	31
<b>Division 1 Planning</b>	32
<b>13 Plan of management</b>	33
(1) The Trust must—	34
(a) have an approved plan of management for each park in the Trust lands, and	35 36
(b) give effect to the approved plan of management.	37
(2) The approved plan of management must provide a plan to guide the following—	38 39

- (a) the use of land within the park, 1
- (b) the development of the park, 2
- (c) activities carried out on or in the park, 3
- (d) the management and operation of the park. 4
- (3) In preparing a proposed plan of management, the Trust must consult with— 5
  - (a) government sector agencies, within the *Government Sector Employment Act 2013*, section 3(1), that manage land within the Trust lands, and 6
  - (b) any other person or board with whom consultation is required under the approved consultation and engagement framework. 9
- (4) The Trust must give the proposed plan of management to the Greater Sydney Parklands Trust for that Trust to submit to the Minister for approval. 11
- (5) The Trust must review the approved plan of management at least every 7 years. 13
- (6) In this section— 15
 

***approved plan of management*** means a plan of management approved by the Minister under the *Greater Sydney Parklands Trust Act 2021*. 16

## **Division 2 Consultation and engagement** 18

### **14 Community trustee boards** 19

- (1) This section applies if there is a community trustee board for the Trust lands. 20
- (2) The Trust must, in exercising its functions in relation to the Trust lands— 21
  - (a) consult with the community trust board, and 22
  - (b) have regard to the advice and recommendation of the board in relation to the Trust lands. 23
- (3) Without limiting subsection (2), the Trust must consult with and have regard to the advice of a community trustee board established for the Trust lands about the following— 25
  - (a) the development and review of the plan of management for the Trust lands, 26
  - (b) proposed new or modified services and facilities for the Trust lands, 27
  - (c) matters of local relevance to the Trust lands, including the protection and use of the Trust lands and the business and other activities carried out, or to be carried out, on the Trust lands. 28
- (4) In this section— 30
 

***Trust lands*** includes a part of the Trust lands. 31

### **15 Compliance with approved consultation and engagement framework** 36

- The Trust must, in exercising its functions in relation to consultation and engagement with any of the following, comply with the approved consultation and engagement framework— 37
- (a) the community generally, 38
  - (b) visitors and other users of the Trust lands, 39
  - (c) a community trustee board, 40
  - (d) other stakeholders. 41

## Part 4 Enforcement and legal proceedings

### Division 1 Authorised officers

#### 16 Appointment

The Trust may appoint the following to be an authorised officer for this Act—

- (a) a person employed in the Public Service,
- (b) a person who is a member of a class prescribed by the regulations.

#### 17 Functions

An authorised officer has the functions conferred by—

- (a) this Act, or
- (b) the regulations.

#### 18 Identification card

- (1) The Trust must issue each authorised officer with an identification card.
- (2) An identification card must—
  - (a) state that it is issued under this Act, and
  - (b) state the name of the person to whom it is issued, and
  - (c) describe the nature of the functions conferred on the person, and
  - (d) state the date on which the card expires, and
  - (e) be signed by the Chief Executive.
- (3) In exercising functions under this Act, an authorised officer must, if asked by a person affected by the exercise of a function, produce the authorised officer's identification card to the person.

### Division 2 Offences

#### 18AA Parking offences

- (1) A driver of a vehicle must not park the vehicle—
  - (a) on or in a non-parking area, or
  - (b) from 31 December 2023—on or in a non-parking grass area in Moore Park East.

Maximum penalty—10 penalty units.
- (2) In this section—
 

**non-parking area** means an area of the Trust lands that is—

  - (a) shown on a map, included in the regulations, as being an area in or on which parking is not allowed, or
  - (b) otherwise described in the regulations as being an area in or on which parking is not allowed.

**non-parking grass area** means a grassy area that is shown on the maps set out in Schedule 3 as being an area in Moore Park East in or on which parking is not allowed.

#### 18A Requirement for owner of vehicle and others to give information

- (1) If a driver of a vehicle is alleged to have committed an offence against this Act or the regulations, an authorised officer may require—

(a)	the owner of the vehicle or another person having custody of the vehicle to immediately give the officer information about the name and residential address of the driver, or	1 2 3
(b)	another person to give the officer information that—	4
(i)	is in the person's power to give, and	5
(ii)	may lead to the identification of the driver.	6
(2)	A requirement under subsection (1)(a) may require the owner or other person to give the information in a written statement signed by the owner or person.	7 8
(3)	A person of whom a requirement is made under subsection (1)(a) or (b) must, unless the person has a reasonable excuse, comply with the requirement.	9 10
	Maximum penalty—10 penalty units.	11
(4)	It is a defence to a prosecution for an offence against subsection (1)(a) if the defendant satisfies the court the defendant did not know, and could not with reasonable diligence have ascertained, the driver's name or residential address.	12 13 14 15
(5)	If a written statement purporting to be given under subsection (1)(a) and to contain the name and residential address of the driver of a vehicle at the time of the commission of an alleged offence against this Act or the regulations is produced in a court in proceedings against the person named in the statement as the driver for the offence, the statement 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.	16 17 18 19 20 21 22
<b>18D</b>	<b>Offences by corporations</b>	23
(1)	This section applies if a corporation commits an offence against this Act or the regulations.	24 25
(2)	Each of the following persons is taken to have committed the same offence if the person knowingly authorised or permitted the act or omission constituting the offence—	26 27 28
(a)	a director of the corporation,	29
(b)	another person concerned in the management of the corporation.	30
(3)	Subsection (2) does not apply to an offence against section 18A(1).	31
(4)	Proceedings may be brought against a person mentioned in subsection (2), and the person convicted, whether or not—	32 33
(a)	proceedings are brought against the corporation, or	34
(b)	the corporation is convicted of an offence.	35
(5)	This section does not affect any liability imposed on a corporation for an offence committed by the corporation.	36 37
<b>Division 3</b>	<b>Legal proceedings</b>	38
<b>18F</b>	<b>Proof of certain matters not required</b>	39
	In legal proceedings under this Act, proof is not required, unless evidence is given to the contrary, of the following matters—	40 41
(a)	the constitution of the Trust,	42
(b)	a resolution of the Trust,	43
(c)	the appointment of, or the holding of office by, a trustee,	44

(d)	the presence of a quorum at a meeting of the Trust.	1
<b>18G</b>	<b>Compensation for loss or damage to Trust property</b>	2
(1)	This section applies if—	3
(a)	a person is convicted of an offence against this Act or the regulations, and	4 5
(b)	the court before which the person was convicted is satisfied the commission of the offence caused or resulted in loss or damage to Trust lands or other property of the Trust.	6 7 8
(2)	The court may order the person to pay to the Trust the amount the court thinks appropriate by way of compensation for the loss or damage.	9 10
(3)	The court may make an order under subsection (2) whether or not it imposes a penalty for the offence.	11 12
(4)	An order made by a court under the <i>Crimes (Sentencing Procedure) Act 1999</i> , section 10 in proceedings for an offence against this Act or the regulations is, for subsection (1), taken to be a conviction of the offence.	13 14 15
<b>18H</b>	<b>Recovery of money owing to Trust</b>	16
	A charge, fee or other money owing to the Trust may be recovered by the Trust as a debt due in a court of competent jurisdiction.	17 18
<b>[8]</b>	<b>Section 20 Grant of leases, easements and licences</b>	19
	Omit section 20(2). Insert instead—	20
(2)	The Trust may grant a lease over any part of the Trust lands for a purpose, including a commercial purpose, that would help the Trust achieve its objects. <b>Example of a lease for a commercial purpose—</b> a lease for a restaurant	21 22 23
(2A)	A lease under subsection (2) must be granted on the terms and conditions approved by the Minister.	24 25
<b>[9]</b>	<b>Section 20(3)</b>	26
	Omit “The Trust”. Insert instead “Without limiting subsection (2A), the Trust”.	27
<b>[10]</b>	<b>Section 20(3)</b>	28
	Omit “99 years”. Insert “50 years”.	29
<b>[11]</b>	<b>Section 20(3)</b>	30
	Omit “The Trust must obtain the approval of the Minister if any such proposed lease has a term that, together with the term of any further lease that may be granted under an option in respect of it, exceeds 50 years.”.	31 32 33
<b>[12]</b>	<b>Section 20(3A)–(3C)</b>	34
	Insert after section 20(3)—	35
(3A)	Also, the Trust may grant—	36
(a)	an easement through, on or in the Trust lands for the following purposes—	37 38
(i)	the construction of pipelines, the laying or re-laying of cables or the construction of apparatus to be used in connection with the pipelines or cables,	39 40 41
(ii)	providing access to dwellings situated on or within Trust lands,	42

	(iii) another purpose the Trust considers necessary that would directly or indirectly help the Trust achieve its objects, and	1 2
	(b) a licence for the use of part of the Trust lands.	3
(3B)	An easement or licence under subsection (3A) must be granted on the terms and conditions approved by the Minister.	4 5
(3C)	The Minister's consent or approval under this section may be—	6
	(a) given in relation to—	7
	(i) particular land or a class of land, or	8
	(ii) a particular lease, easement or licence or a class of leases, easements or licences, and	9 10
	(b) subject to conditions, including conditions about public consultation that are consistent with the approved consultation and engagement framework, and	11 12 13
	(c) amended from time to time.	14
<b>[13] Section 20(4)</b>		15
	Omit “subsection (2)(b)”. Insert instead “subsection (3A)(a)”. 16	
<b>[14] Section 20(5)</b>		17
	Omit “subsection (2)(c)”. Insert instead “subsection (3A)(b)”. 18	
<b>[15] Section 20(5)</b>		19
	Omit “and upon such terms and conditions as are approved by the Minister”. 20	
<b>[16] Section 23 Liability of vehicle owner for certain offences</b>		21
	Transfer the section to Part 4, Division 2, after section 18A as inserted by this Schedule and renumber as section 18B. 22 23	
<b>[17] Section 24 Penalty notices</b>		24
	Transfer the section, other than subsection (6), definition of <i>owner</i> , to Part 4, Division 2, before section 18D as inserted by this Schedule and renumber as section 18C. 25 26	
<b>[18] Section 25 Proceedings for offences</b>		27
	Transfer the section to Part 4, Division 3, before section 18F as inserted by this Schedule and renumber as section 18E. 28 29	
<b>[19] Section 26 Repeal of Act 51 Vic No 9 and Act No 23, 1904</b>		30
	Omit the section. 31	
<b>[20] Schedule 3</b>		32
	Insert after Schedule 2— 33	
<b>Schedule 3</b>	<b>Maps of non-parking grass areas in Moore Park East</b>	34 35
	section 18AA(2)	36







5.3 Centennial Park and Moore Park Trust Regulation 2014

[1] Clause 7A

Insert after clause 7—

<b>7A</b>	<b>Maps for parking offences</b>	1
	For the purposes of the Act, section 18AA(2), definition of <i>non-parking area</i> , the map is the map set out in Schedule 2.	2 3
<b>[2]</b>	<b>Schedule 2</b>	4
	Insert after Schedule 1—	5
	<b>Schedule 2 Map of non-parking areas</b>	6
	clause 7A	7





5.4 Parramatta Park Trust Act 2001 No 17

[1] Section 3 Definitions

Insert in alphabetical order in section 3(1)—

<i>approved consultation and engagement framework</i>	means the consultation and engagement framework approved by the Minister under the <i>Greater Sydney Parklands Trust Act 2021</i> .	1
<i>Greater Sydney Parklands Trust</i>	has the same meaning as in the <i>Greater Sydney Parklands Trust Act 2021</i> .	2
		3
<b>[2] Section 5 Appointment and procedure of trustees</b>		4
Omit section 5(1). Insert instead—		5
(1) The Trust consists of the following members—		6
(a) the Chief Executive,		7
(b) the 7 appointed members of the Board of the Greater Sydney Parklands Trust.		8
		9
<b>[3] Section 7A</b>		10
Insert after section 7—		11
<b>7A Open tender process to be used for leases and certain licences</b>		12
The Trust must not grant a lease, or a licence with a term of 10 years or more, over all or part of the principal trust lands unless the granting of the lease or licence has been the subject of an open tender process.		13
		14
<b>[4] Section 9AA</b>		15
Insert after section 9—		16
<b>9AA Acquisition of substratum or part of principal trust lands for public purpose</b>		17
(1) Despite section 9, the substratum of the principal trust lands, or a part of the principal trust lands, may be acquired for a public purpose.		18
(2) In this section—		19
<i>public purpose</i>	has the same meaning as in the <i>Land Acquisition (Just Terms Compensation) Act 1991</i> .	20
		21
<b>[5] Section 9B</b>		22
Insert after section 9A—		23
<b>9B Wistaria Gardens</b>		24
(1) Wistaria Gardens—		25
(a) is vested in the Trust, and		26
(b) is freed and discharged from all interests other than a preserved interest.		27
(2) The Trust is entitled to vacant possession of Wistaria Gardens on the day on which it is vested in the Trust and a person is entitled to remain in occupation only with the written agreement of the Trust.		28
(3) No compensation is payable to a person or body because of the operation of subsection (1) or (2).		29
(4) In this section—		30
<i>interests</i>	means any of the following in, over or in connection with land forming part of Wistaria Gardens—	31
(a) charges,		32
(b) contracts,		33
		34
		35
		36
		37
		38
		39
		40
		41

- (c) dedications, 1
  - (d) easements, 2
  - (e) estates, 3
  - (f) rates, 4
  - (g) reservations, 5
  - (h) restrictions, 6
  - (i) rights, 7
  - (j) trusts, 8
  - (k) other interests. 9
- preserved interest* means any of the following interests shown on the title of land forming part of Wistaria Gardens immediately before the land vested in the Trust— 10
- (a) an access right, 13
  - (b) a covenant, 14
  - (c) an easement, 15
  - (d) a leasehold interest, 16
  - (e) a restriction on use. 17
- Wistaria Gardens* means the land shown on the map set out in Schedule 1A, Part 3. 18

- [6] **Part 5** 20
- Omit the Part. Insert instead— 21

## **Part 5 Planning, consultation and engagement** 22

### **Division 1 Planning** 23

#### **15 Plan of management** 24

- (1) The Trust must— 25
  - (a) have an approved plan of management for each park within the trust lands, and 26
  - (b) give effect to the approved plan of management. 27
- (2) The approved plan of management must provide a plan to guide the following within the park— 28
  - (a) the use of land within the park, 29
  - (b) the development of the park, 30
  - (c) activities carried out on or in the park, 31
  - (d) the management and operation of the park. 32
- (3) In preparing a proposed plan of management, the Trust must consult with— 33
  - (a) government sector agencies that manage trust lands, 34
  - (b) any other person or board with whom consultation is required under the approved consultation and engagement framework. 35
- (4) The Trust must give the proposed plan of management to the Greater Sydney Parklands Trust for that Trust to submit to the Minister for approval. 36

- (5) The Trust must review the approved plan of management at least every 7 years. 1  
2
- (6) In this section— 3  
*approved plan of management* means a plan of management approved by the 4  
Minister under the *Greater Sydney Parklands Trust Act 2021*. 5

## **Division 2 Consultation and engagement** 6

### **16 Community trustee boards** 7

- (1) This section applies if there is a community trustee board for the trust lands. 8
- (2) The Trust must, in exercising its functions in relation to the trust lands— 9
  - (a) consult with the community trustee board, and 10
  - (b) have regard to the advice and recommendation of the board in relation 11  
to the trust lands. 12
- (3) Without limiting subsection (2), the Trust must consult with and have regard 13  
to the advice of a community trustee board established for the trust lands about 14  
the following— 15
  - (a) the development and review of the plan of management for the trust 16  
lands, 17
  - (b) proposed new or modified services and facilities for the trust lands, 18
  - (c) matters of local relevance to the trust lands, including the protection and 19  
use of the trust lands and the business and other activities carried out, or 20  
to be carried out, on the trust lands. 21
- (4) In this section— 22  
*trust lands* includes a part of the trust lands. 23

### **17 Compliance with approved consultation and engagement framework** 24

- The Trust must, in exercising its functions in relation to consultation and 25  
engagement with any of the following, comply with the approved consultation 26  
and engagement framework— 27
- (a) the community generally, 28
  - (b) visitors and other users of the trust lands, 29
  - (c) a community trustee board, 30
  - (d) other stakeholders. 31

### **[7] Section 21 Staff** 32

Omit the section. 33

### **[8] Section 23** 34

Omit the section. Insert instead— 35

### **23 Delegation of Trust's functions** 36

- (1) The Trust may delegate any of its functions, other than this power of 37  
delegation, to an authorised person. 38
- (2) If authorised by the Trust, an authorised person may subdelegate a function 39  
delegated to the person by the Trust. 40
- (3) In this section— 41

<i>authorised person</i> means—	1
(a) a trustee, or	2
(b) a member of the staff of the Greater Sydney Parklands Trust, or	3
(c) the head of a government sector agency or another member of the staff of a government sector agency, or	4
(d) a person who is a member of a class of persons prescribed by the regulations.	5
	6
	7
<b>[9] Schedule 1A Maps</b>	8
Omit Part 2. Insert instead—	9



Part 2 Mays Hill precinct





Part 3 Wistaria Gardens



<b>5.5 Western Sydney Parklands Act 2006 No 92</b>	1
<b>[1] Section 3 Definitions</b>	2
Insert in alphabetical order in section 3(1)—	3
<i>approved consultation and engagement framework</i> means the consultation and engagement framework approved by the Minister under the <i>Greater Sydney Parklands Trust Act 2021</i> .	4
<i>authorised officer</i> means—	6
(a) a ranger, or	7
(b) a police officer.	8
<i>Greater Sydney Parklands Trust</i> has the same meaning as in the <i>Greater Sydney Parklands Trust Act 2021</i> .	9
<i>owner</i> , of a vehicle, includes the responsible person for the vehicle within the meaning of the <i>Road Transport Act 2013</i> .	10
<b>[2] Section 7 Trust Board</b>	11
Omit section 7(2). Insert instead—	12
(2) The Board consists of the following members—	13
(a) the Chief Executive,	14
(b) the 7 appointed members of the Board of the Greater Sydney Parklands Trust.	15
<b>[3] Section 7(4)</b>	16
Omit the subsection.	17
<b>[4] Section 8 Chief Executive of Trust</b>	18
Insert after section 8(1)—	19
(1A) The Chief Executive is subject to the control and direction of the Board.	20
<b>[5] Section 9A Staff</b>	21
Omit the section.	22
<b>[6] Section 12A</b>	23
Insert after section 12—	24
<b>12A Open tender process to be used for leases and certain licences</b>	25
The Trust must not grant a lease, or a licence with a term of 10 years or more, over all or part of the Parklands unless the granting of the lease or licence has been the subject of an open tender process.	26
<b>[7] Part 4 Western Sydney Parklands</b>	27
Omit Divisions 2–4. Insert instead—	28
<b>Division 2 Planning</b>	29
<b>23 Plan of management</b>	30
(1) The Trust must—	31
(a) have an approved plan of management for each park within the Parklands, and	32

(b)	give effect to the approved plan of management.	1
(2)	The approved plan of management must provide a plan to guide the following within the Parklands—	2
(a)	the use of land within the park,	3
(b)	the development of the park,	4
(c)	activities carried out on or in the park,	5
(d)	the management and operation of the park.	6
(3)	In preparing a proposed plan of management, the Trust must consult with—	7
(a)	government agencies that manage Trust land, and	8
(b)	any other person or board with whom consultation is required under the approved consultation and engagement framework.	9
(4)	The Trust must give the proposed plan of management to the Greater Sydney Parklands Trust for that Trust to submit to the Minister for approval.	10
(5)	The Trust must review the approved plan of management at least every 7 years.	11
(6)	In this section—	12
	<i>approved plan of management</i> means a plan of management approved by the Minister under the <i>Greater Sydney Parklands Trust Act 2021</i> .	13
		14
<b>Division 3</b>	<b>Consultation and engagement</b>	15
<b>24</b>	<b>Community trustee boards</b>	16
(1)	This section applies if there is a community trustee board for the Parklands.	17
(2)	The Trust must, in exercising its functions in relation to the Parklands—	18
(a)	consult with the community trustee board, and	19
(b)	have regard to the advice and recommendation of the board in relation to the Parklands.	20
(3)	Without limiting subsection (2), the Trust must consult with and have regard to the advice of a community trustee board established for the Parklands about the following—	21
(a)	the development and review of the plan of management for the Parklands,	22
(b)	proposed new or modified services and facilities for the Parklands,	23
(c)	matters of local relevance to the Parklands, including the protection and use of the Parklands and the business and other activities carried out, or to be carried out, on the Parklands.	24
(4)	In this section—	25
	<i>Parklands</i> includes a part of the Parklands.	26
<b>25</b>	<b>Compliance with approved consultation and engagement framework</b>	27
	The Trust must, in exercising its functions in relation to consultation and engagement with any of the following, comply with the approved consultation and engagement framework—	28
(a)	the community generally,	29
(b)	visitors and other users of the Parklands,	30

	(c) a community trustee board,	1
	(d) other stakeholders.	2
<b>[8]</b>	<b>Section 29 Management of cemeteries and crematoria</b>	3
	Insert after section 29(1)—	4
	(1A) However, the Trust may not use or permit the use of the part of the Trust land known as the Fernhill Estate for the purposes of a cemetery or crematorium.	5 6
<b>[9]</b>	<b>Section 29(3)</b>	7
	Insert after section 29(2)—	8
	(3) In this section—	9
	<i>Fernhill Estate</i> means the following land at Mulgoa—	10
	(a) Lot 10, DP 615085,	11
	(b) Lot 11, DP 615085,	12
	(c) Lot 2, DP 541825,	13
	(d) Lot 1, DP 570484,	14
	(e) Lot 6, DP 173159,	15
	(f) Lot 100, DP 717549,	16
	(g) Lot 2, DP 241971.	17
<b>[10]</b>	<b>Part 5A</b>	18
	Insert after section 42—	19
	<b>Part 5A Enforcement and legal proceedings</b>	20
	<b>Division 1 Authorised officers</b>	21
	<b>Division 2 Offences</b>	22
<b>42B</b>	<b>Requirement to state name and address</b>	23
	(1) An authorised officer who reasonably suspects a person of having committed an offence against this Act or the regulations may require the person to state the person's full name and residential address.	24 25 26
	(2) An authorised officer may require the driver of a vehicle on trust land to—	27
	(a) produce the driver's driver licence, and	28
	(b) state the driver's full name and residential address.	29
	(3) A person must not—	30
	(a) fail to comply with a requirement under subsection (1) or (2), or	31
	(b) in purporting to comply with a requirement under subsection (1) or (2)—	32 33
	(i) state a name that is not the person's name, or	34
	(ii) state an address that is not the person's residential address.	35
	Maximum penalty—10 penalty units.	36
	(4) A person is not guilty of an offence against this section unless it is established that the authorised officer warned the person that a failure to comply with a requirement of this section is an offence.	37 38 39

#### **42BA Requirement for owner of vehicle and others to give information**

- (1) If a driver of a vehicle is alleged to have committed an offence against this Act or the regulations, an authorised officer may require—
  - (a) the owner of the vehicle or another person having custody of the vehicle to immediately give the officer information about the name and residential address of the driver, or
  - (b) another person to give the officer information that—
    - (i) is in the person's power to give, and
    - (ii) may lead to the identification of the driver.
- (2) A requirement under subsection (1)(a) may require the owner or other person to give the information in a written statement signed by the owner or person.
- (3) A person of whom a requirement is made under subsection (1)(a) or (b) must, unless the person has a reasonable excuse, comply with the requirement.  
Maximum penalty—10 penalty units.
- (4) It is a defence to a prosecution for an offence against subsection (1)(a) if the defendant satisfies the court the defendant did not know, and could not with reasonable diligence have ascertained, the driver's name or residential address.
- (5) If a written statement purporting to be given under subsection (1)(a) and to contain the name and residential address of the driver of a vehicle at the time of the commission of an alleged offence against this Act or the regulations is produced in a court in proceedings against the person named in the statement as the driver for the offence, the statement 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.

#### **42C Liability of vehicle owner for certain offences**

- (1) This section applies if this Act or the regulations provide for an offence in relation to a vehicle.
- (2) The person who, at the time of the offence, is the owner of the vehicle is guilty of the offence as if the person were the actual offender.
- (3) Subsection (2) does not apply if the owner of the vehicle—
  - (a) for an offence dealt with by penalty notice—
    - (i) satisfies the prescribed officer the vehicle was, at the time of the offence, stolen or otherwise illegally taken or used, or
    - (ii) within 21 days after receiving the penalty notice, gives the prescribed officer an approved nomination notice containing the name and address of the person who was in charge of the vehicle at the time of the offence, or
    - (iii) satisfies the prescribed officer the owner did not know, and could not with reasonable diligence have ascertained, the name and address of the person who was in charge of the vehicle at the time of the offence, or
  - (b) otherwise—
    - (i) satisfies the court the vehicle was at the time of the offence stolen or otherwise illegally taken or used, or
    - (ii) within 21 days after service on the owner of a court attendance notice for the offence, gives the informant an approved



	nomination notice containing the name and address of the person who was in charge of the vehicle at the time of the offence, or	1
		2
(iii)	satisfies the court the owner did not know, and could not with reasonable diligence have ascertained, the name and address of the person who was in charge of the vehicle at the time of the offence.	3
		4
		5
		6
(4)	An approved nomination notice may be given by a person issued with a penalty notice within 90 days of the notice being issued if the approved nomination notice is provided in the circumstances specified in the <i>Fines Act 1996</i> , section 23AA or 23AB.	7
		8
		9
		10
(5)	If the owner of a vehicle gives an approved nomination notice to a prescribed officer or an informant under this section, the prescribed officer or informant may, by written notice served on the owner, require the owner to give a statutory declaration that verifies the nomination contained in the approved nomination notice.	11
		12
		13
		14
		15
(6)	A statutory declaration under subsection (5), if produced in proceedings against the person named in the declaration and in relation to the offence for which the declaration was given, is prima facie evidence that the person was in charge of the vehicle at the time the offence was committed.	16
		17
		18
		19
(7)	An approved nomination notice or a statutory declaration that relates to more than one offence is taken not to be an approved nomination notice or statutory declaration for the purposes of this section.	20
		21
		22
(8)	In this section—	23
	<i>approved nomination notice</i> has the same meaning as in the <i>Fines Act 1996</i> , section 38.	24
		25
	<i>penalty notice</i> means a penalty notice issued under section 42D.	26
	<i>prescribed officer</i> means the prescribed officer referred to in a penalty notice.	27
<b>42E</b>	<b>Offences by corporations</b>	28
(1)	This section applies if a corporation commits an offence against this Act or the regulations.	29
		30
(2)	Each of the following persons is taken to have committed the same offence if the person knowingly authorised or permitted the act or omission constituting the offence—	31
		32
		33
	(a) a director of the corporation,	34
	(b) another person concerned in the management of the corporation.	35
(3)	Subsection (2) does not apply to an offence against section 42BA(3).	36
(4)	Proceedings may be brought against a person mentioned in subsection (2), and the person convicted, whether or not—	37
		38
	(a) proceedings are brought against the corporation, or	39
	(b) the corporation is convicted of an offence.	40
(5)	This section does not affect any liability imposed on a corporation for an offence committed by the corporation.	41
		42

<b>Division 3</b>	<b>Legal proceedings</b>	1
<b>42F</b>	<b>Proceedings for offences</b>	2
	Proceedings for an offence against this Act or the regulations may be dealt with summarily before the Local Court.	3 4
<b>42G</b>	<b>Proof of certain matters not required</b>	5
	In legal proceedings under this Act, proof is not required, unless evidence is given to the contrary, of the following matters—	6 7
	(a) the constitution of the Trust,	8
	(b) a resolution of the Trust,	9
	(c) the appointment of, or the holding of office by, a trustee,	10
	(d) the presence of a quorum at a meeting of the Trust.	11
<b>42H</b>	<b>Recovery of fees, charges or other monies</b>	12
	A charge, fee or other money due to the Trust under this Act is recoverable by the Trust in a court of competent jurisdiction as a debt due to the Crown.	13 14
<b>42I</b>	<b>Compensation for loss of damage to Trust property</b>	15
	(1) This section applies if—	16
	(a) a person is convicted of an offence against this Act or the regulations, and	17 18
	(b) the court before which the person was convicted is satisfied the commission of the offence caused or resulted in loss or damage to trust lands or other property of the Trust.	19 20 21
	(2) The court may order the person to pay to the Trust the amount the court thinks appropriate by way of compensation for the loss or damage.	22 23
	(3) The court may make an order under subsection (2) whether or not it imposes a penalty for the offence.	24 25
	(4) An order made by a court under the <i>Crimes (Sentencing Procedure) Act 1999</i> , section 10 in proceedings for an offence against this Act or the regulations is, for subsection (1), taken to be a conviction of the offence.	26 27 28
<b>[11]</b>	<b>Section 46 Recovery of fees and charges</b>	29
	Omit the section.	30
<b>[12]</b>	<b>Section 47 Rangers</b>	31
	Transfer the section to Part 5A, Division 1 as inserted by this Schedule and renumber as section 42A.	32 33
<b>[13]</b>	<b>Section 48 Penalty notices</b>	34
	Omit “A ranger” from section 48(1). Insert instead “An authorised officer”.	35

<b>[14]</b>	<b>Section 48</b>	1
	Transfer the section to Part 5A, Division 2, after section 42C as inserted by this Schedule and renumber as section 42D.	2 3