

Parramatta Park Trust Act 2001 No 17

[2001-17]



New South Wales

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New South Wales

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Parramatta Park Trust Act 2001 No 17



New South Wales

An Act to constitute the Parramatta Park Trust and define its functions; to vest certain lands at Parramatta in the Trust; and for other purposes.

Part 1 Preliminary

1 Name of Act

This Act is the *Parramatta Park Trust Act 2001*.

2 Commencement

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

3 Definitions

(1) In this Act—

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

approved consultation and engagement framework means the consultation and engagement framework approved by the Minister under the *Greater Sydney Parklands Trust Act 2022*.

authorised officer means—

(a) a police officer, or

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

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

Chief Executive means the person employed in the Public Service who is assigned to the role of Chief Executive of the Parramatta Park Trust.

exercise a function includes perform a duty.

former Trust means the Parramatta Regional Park Trust established under the [National Parks and Wildlife Act 1974](#).

function includes a power, authority or duty.

Greater Sydney Parklands Trust has the same meaning as in the [Greater Sydney Parklands Trust Act 2022](#).

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

Trust means the Parramatta Park Trust constituted by this Act.

trust lands means the principal trust lands and the additional trust lands.

trustee means a trustee referred to in section 5.

Note—

The [Interpretation Act 1987](#) contains definitions and other provisions that affect the interpretation and application of this Act.

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

Part 2 The Parramatta Park Trust

4 Constitution of the Trust

(1) There is constituted by this Act a corporation under the corporate name of the “Parramatta Park Trust”.

(2) The Trust—

- (a) has and may exercise the functions conferred or imposed on it by or under this or any other Act, and
- (b) is, for the purposes of any Act, a statutory body representing the Crown, and
- (c) is, in the exercise of its functions, subject to the control and direction of the Minister.

5 Appointment and procedure of trustees

(1) The Trust consists of the following members—

- (a) the Chief Executive,
- (b) the 7 appointed members of the Board of the Greater Sydney Parklands Trust.

(2) Schedule 2 has effect with respect to the trustees.

- (3) Schedule 3 has effect with respect to the procedure of the Trust.

Part 3 Objects and functions of the Trust

6 Objects of the Trust

The objects of the Trust are—

- (a) to maintain and improve the trust lands, and
- (b) to encourage the use and enjoyment of the trust lands by the public by promoting the recreational, historical, scientific, educational and cultural heritage value of those lands, and
- (c) to ensure the conservation of the natural and cultural heritage values of the trust lands and the protection of the environment within those lands, and
- (d) such other objects, consistent with the functions of the Trust in relation to the trust lands, as the Trust considers appropriate.

7 Functions of the Trust

- (1) The Trust may—
 - (a) permit the use of the whole or any part of the trust lands for activities of a recreational, historical, scientific, educational and cultural heritage nature, and
 - (b) in or in connection with the trust lands provide, or permit the provision of, food or other refreshments and apply for, hold or dispose of any relevant licence, permit or other authority for that purpose, and
 - (c) promote and provide exhibits, lectures, films, publications and other types of educational instruction relating to the trust lands, and
 - (d) in pursuance of its objects, procure specimens, services or materials and obtain scientific or other data from within or outside the State, and
 - (e) disseminate scientific, cultural and historical information to the public and educational, scientific, cultural and historical institutions, whether within or outside the State, and
 - (f) maintain, or make arrangements for the maintenance of, the property of the Trust, and
 - (g) subject to the regulations, charge and receive fees or other amounts for, or in connection with, any service provided, article sold or permission given by the Trust in the exercise of any of its functions, and
 - (h) enter into any contract or arrangement with any person for the purpose of

promoting the objects of the Trust.

- (2) Subject to this Act and the regulations, the Trust has the control and management of all property of the Trust.
- (3) The fees and other amounts received by the Trust as referred to in subsection (1) (g) are the property of the Trust.
- (4) The Trust may, and when requested by the Minister must, make reports and recommendations to the Minister with respect to the Trust and the trust lands.
- (5) The Trust has and may exercise such functions, in addition to those specified in this section, as are reasonably necessary to achieve its objects.
- (6) (Repealed)

7A Open tender process to be used for leases and certain licences

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.

Part 4 Property of the Trust

8 Vesting of principal trust lands at Parramatta in the Trust

- (1) The land described in Part 1 of Schedule 1 vests in the Trust for an estate in fee simple subject to any trusts, estates, interests, dedications, restrictions, easements, contracts, charges and rates (other than those referred to in Part 2 of that Schedule) existing in respect of the land immediately before the land is vested in the Trust.
- (2) The land described in Part 1 of Schedule 1 is freed and discharged from any trusts, estates, interests, dedications, restrictions, easements, contracts, charges and rates referred to in Part 2 of Schedule 1.
- (3) The Governor may from time to time, by proclamation published on the NSW legislation website, amend Part 1 of Schedule 1 for the purpose of adding to the land for the time being described in Part 1 of that Schedule—
 - (a) Crown land (within the meaning of the [Crown Land Management Act 2016](#)) or other land of the Crown, or
 - (b) land of a public or local authority constituted by an Act of Parliament, or
 - (c) additional trust lands.
- (4) The Governor may from time to time, by proclamation published on the NSW legislation website, amend Part 2 of Schedule 1 for the purpose of adding any trusts, estates, interests, dedications, restrictions, easements, contracts, charges and rates

to those for the time being described in Part 2 of that Schedule.

- (5) A proclamation under this section may contain provisions of a savings or transitional nature consequent on the making of the proclamation (including provisions conferring on the Trust rights and liabilities in respect of trusts, estates, interests, dedications, restrictions, easements, contracts, charges and rates added to Part 2 of Schedule 1).
- (6) The vesting of land effected by this section does not operate to vest in the Trust any pipeline, cable or related apparatus owned by a person other than the Minister or the former Trust and used for the conveyance of gas, electricity, water, drainage, sewage or any other thing and lawfully situated on the land immediately before the commencement of this section.
- (7) If an interest in land of a person (other than a public or local authority) is divested by its addition to Part 2 of Schedule 1—
 - (a) compensation is payable for the divesting of that interest, and
 - (b) Part 3 of the *Land Acquisition (Just Terms Compensation) Act 1991* applies as if a proclamation adding an interest in land to Part 2 of Schedule 1 published under subsection (4) were an acquisition notice published by the Trust under that Act.
- (8) In subsection (7)—

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

9 Prohibition against disposal or compulsory acquisition of principal trust lands

- (1) The Trust must not sell, mortgage or otherwise dispose of any of the principal trust lands.
- (2) Despite any other Act, the principal trust lands may not be compulsorily acquired except by an Act of Parliament.
- (3) This section does not affect the operation of section 12 (Grant of leases, easements, licences etc) or section 13 (Further provision for leases and licences of certain trust lands).

9AA Acquisition of substratum or part of principal trust lands for public purpose

- (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.
- (2) In this section—

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

9A Land swap between Trust and Venues NSW

- (1) The Minister may, by order in writing, transfer—
 - (a) any of the land edged heavy black on the map in Part 1 of Schedule 1A from Venues NSW to the Trust, and
 - (b) any of the trust lands edged heavy red on the map in Part 1 of Schedule 1A from the Trust to Venues NSW.
- (2) An order under this section may be made only—
 - (a) if the Minister is satisfied that the amount of land transferred from Venues NSW to the Trust will be at least the same as the amount of land transferred from the Trust to Venues NSW, and
 - (b) for purposes associated with the Western Sydney Stadium, and
 - (c) with the consent of the Trust and Venues NSW.
- (3) Land transferred by an order under this section is vested in the Trust or Venues NSW as an estate in fee simple—
 - (a) freed and discharged from any trusts, estates, interests, dedications, restrictions, easements, contracts, charges and rates, except as provided by the order, existing in respect of the land immediately before the land is vested in the Trust or Venues NSW, and
 - (b) without the need for any further conveyance, transfer, assignment or assurance.
- (4) An order under this section may amend Schedule 1 as a consequence of any land identified in that Schedule being transferred by the order.
- (5) An order under this section has effect despite any other provision of this Act or any other law.

9B Wistaria Gardens

- (1) Wistaria Gardens—
 - (a) is vested in the Trust, and
 - (b) is freed and discharged from all interests other than a preserved interest.
- (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.
- (3) No compensation is payable to a person or body because of the operation of subsection (1) or (2).

(4) In this section—

interests means any of the following in, over or in connection with land forming part of Wistaria Gardens—

- (a) charges,
- (b) contracts,
- (c) dedications,
- (d) easements,
- (e) estates,
- (f) rates,
- (g) reservations,
- (h) restrictions,
- (i) rights,
- (j) trusts,
- (k) other interests.

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—

- (a) an access right,
- (b) a covenant,
- (c) an easement,
- (d) a leasehold interest,
- (e) a restriction on use.

Wistaria Gardens means the land shown on the map set out in Schedule 1A, Part 3.

10 Acquisition of certain other property

- (1) The Trust may agree to any condition that is not inconsistent with its objects being imposed on its acquisition of any property.
- (2) The rule of law against remoteness of vesting does not apply to any such condition to which the Trust has agreed.
- (3) If the Trust acquires any property by gift, devise or bequest, the Trust may retain the

property in the form in which it was acquired, subject to any such condition to which the Trust has agreed.

- (4) Duty under the *Duties Act 1997* is not chargeable for or in respect of any gift, devise or bequest made or to be made to the Trust.

11 Disposal of certain other property

- (1) In this section—

condition means a condition to which the Trust has agreed under section 10.

- (2) The Trust must not sell, mortgage or otherwise dispose of any property acquired by gift, devise or bequest, or any property being additional trust lands, except—
- (a) if the property was acquired without any condition—with the approval of the Minister, or
- (b) if the property was acquired subject to a condition—in accordance with the condition or subsection (3).
- (3) If the Trust determines that any property that has been acquired by the Trust subject to a condition is not required for the purposes of the Trust, the Trust may (despite that condition), with the approval of the Minister—
- (a) sell the property, or
- (b) exchange the property for other property, or
- (c) give the property to any recreational, scientific or educational institution, or
- (d) if the Trust is of the opinion that the property is of no commercial value—dispose of the property without valuable consideration.

12 Grant of leases, easements, licences etc

- (1) The Trust may, with the approval of the Minister, grant—
- (a) leases of parts of the trust lands, or
- (b) easements through, on or in the trust lands, or
- (c) licences for the use of parts of the trust lands.
- (2) The Trust may, with the approval of the Minister, impose restrictions on the use of, or impose positive covenants on, trust lands or other lands in accordance with section 88D or 88E of the *Conveyancing Act 1919*.
- (3) A lease granted under subsection (1) (a) may not have a term that, together with the term of any further lease which may be granted on the exercise of an option contained

in the lease, exceeds 10 years.

- (4) In this section, **easement** includes an easement without a dominant tenement referred to in section 88A of the *Conveyancing Act 1919*.

13 Further provision for leases and licences of certain trust lands

- (1) Despite section 12 (3), the Trust may, with the approval of the Minister, grant a lease in respect of any of the following parts of the trust lands for any term that, together with the term of any further lease that may be granted on the exercise of an option contained in the lease, does not exceed 50 years—
- (a) such part of the trust lands as was vested by the *National Parks and Wildlife (Parramatta Regional Park) Act 1998*, immediately before the repeal of that Act, in the Minister administering the *National Parks and Wildlife Act 1974* in that Minister's capacity as a corporation sole,
 - (b) such part of the Mays Hill precinct (as identified as the Mays Hill precinct on the map in Part 2 of Schedule 1A) that is leased for the purposes of—
 - (i) the operation and maintenance of an aquatic leisure centre, or
 - (ii) any purpose associated with the aquatic leisure centre, including gymnasiums, sports courts, public amenities, cafes, spectator seating, barbecue areas, health and well-being facilities, ancillary administrative areas, associated car parking facilities and outdoor recreation and leisure spaces.
- (1A) For the purposes of subsection (1) (b) (i), **aquatic leisure centre** means a building or place used predominantly for aquatic recreational purposes and includes a swimming pool.
- (2), (3) (Repealed)
- (4) The Trust must not grant a lease of any land referred to in subsection (1) unless—
- (a) it has given public notice of the proposed lease in accordance with subsections (5) and (6), and
 - (b) it has considered any submissions duly made to it under subsection (7), and
 - (c) it has given to the Minister, when seeking the Minister's approval of the terms and conditions of the proposed lease, copies of any submissions objecting to the proposed lease.
- (5) The Trust must—
- (a) give public notice of a proposed lease by means of a notice published in a newspaper (whether published in print or on a publicly accessible website) circulating generally in New South Wales, and

- (b) exhibit notice of the proposed lease on the trust lands concerned.
- (6) A notice of a proposed lease must include the following—
 - (a) information sufficient to identify the trust lands concerned,
 - (b) the purpose for which the trust lands will be used under the proposed lease,
 - (c) the term of the proposed lease (including particulars of any options for renewal),
 - (d) the name of the person to whom it is proposed to grant the proposed lease (if known),
 - (e) a statement that submissions in writing concerning the proposed lease may be made to the Trust during the period (which must be at least 28 days) specified in the notice.
- (7) Any person may make a submission in writing to the Trust during the period specified for the purpose in the notice.
- (8) (Repealed)

14 Requirements relating to grant of licence or easement

- (1) No later than 3 months after the commencement of this section, the Trust must publish on an Internet site maintained by the Trust a statement that—
 - (a) outlines the criteria by which the Trust assesses proposals or requests for grants of licences for the use of, or easements through, on or in, trust lands, and
 - (b) states that any person may, at any time, make a submission in writing to the Trust in relation to those criteria, and
 - (c) specifies the number of licences and easements granted by the Trust during the immediately preceding financial year, categorised according to their purpose and impact on Trust lands and (additionally, in the case of licences) their duration.
- (2) The statement must be permanently available on the Internet and a written copy of the statement must be permanently available for inspection by the public at the offices of the Trust during ordinary business hours.
- (3) The Trust may update the statement as it sees fit, and must update it at least once in every financial year.
- (4) In updating the statement, the Trust must take into consideration any submissions received.

Part 5 Planning, consultation and engagement

Division 1 Planning

15 Plan of management

- (1) The Trust must—
 - (a) have an approved plan of management for each park within the trust lands, and
 - (b) give effect to the approved plan of management.
- (2) The approved plan of management must provide a plan to guide the following within the park—
 - (a) the use of land within the park,
 - (b) the development of the park,
 - (c) activities carried out on or in the park,
 - (d) the management and operation of the park.
- (3) In preparing a proposed plan of management, the Trust must consult with—
 - (a) government sector agencies that manage trust lands,
 - (b) any other person or board with whom consultation is required under the approved consultation and engagement framework.
- (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.
- (5) The Trust must review the approved plan of management at least every 7 years.
- (6) In this section—

approved plan of management means a plan of management approved by the Minister under the [Greater Sydney Parklands Trust Act 2022](#).

Division 2 Consultation and engagement

16 Community trustee boards

- (1) This section applies if there is a community trustee board for the trust lands.
- (2) The Trust must, in exercising its functions in relation to the trust lands—
 - (a) consult with the community trustee board, and
 - (b) have regard to the advice and recommendation of the board in relation to the trust lands.

- (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—
- (a) the development and review of the plan of management for the trust lands,
 - (b) proposed new or modified services and facilities for the trust lands,
 - (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.
- (4) In this section—

trust lands includes a part of the trust lands.

17 Compliance with approved consultation and engagement framework

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—

- (a) the community generally,
- (b) visitors and other users of the trust lands,
- (c) a community trustee board,
- (d) other stakeholders.

18 (Repealed)

Part 6 Administration

19 Financial year of the Trust

The financial year of the Trust is the year commencing 1 July.

20 Committees

- (1) The Trust may establish committees to assist it in connection with the exercise of any of its functions.
- (2) It does not matter that any or all of the members of a committee are not trustees.
- (3) The Chief Executive is an ex officio member of each committee of the Trust.
- (4) The procedure for the calling of meetings of a committee and for the conduct of business at those meetings is, subject to the regulations, to be as determined by the Trust or (subject to any determination of the Trust) by the committee.

21 (Repealed)

22 The Chief Executive

- (1) The Chief Executive is responsible for the administration and management of the trust lands and any services provided in conjunction with the trust lands.
- (2) The Chief Executive is, in the exercise of the Chief Executive's functions under this Act, subject to the control and direction of the Trust.
- (3) The Chief Executive is to act as secretary to the Trust.

23 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.
- (3) In this section—

authorised person means—

- (a) a trustee, or
- (b) a member of the staff of the Greater Sydney Parklands Trust, or
- (c) the head of a government sector agency or another member of the staff of a government sector agency, or
- (d) a person who is a member of a class of persons prescribed by the regulations.

Part 7 Miscellaneous

24 Revocation of reservation

The reservation of Parramatta Regional Park as a regional park under the *National Parks and Wildlife Act 1974* is revoked.

Note—

Parramatta Regional Park was reserved as a regional park by notice published in the Gazette on 12 September 1997.

25 Act not to affect Parramatta Rail Link

- (1) Nothing in this Act affects the operation of—
 - (a) the *Transport Administration Act 1988* as it applies to the Parramatta Rail Link, in particular Division 6 of Part 9 of that Act (Special provisions for Parramatta Rail Link), or

(b) the *Public Works Act 1912* as it applies to the Parramatta Rail Link, in particular Division 6 of Part 6 of that Act (Powers and duties of Constructing Authority).

(2) In this section—

Parramatta Rail Link has the same meaning as in section 122 of the *Transport Administration Act 1988*.

26 Act not to affect Parramatta Park (Old Government House) Act 1967

Nothing in this Act affects the operation of the *Parramatta Park (Old Government House) Act 1967*, in particular section 7 of that Act.

27 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 trust lands to produce the driver's driver licence and to state the person's full name and residential address.
- (3) A person must not—
 - (a) fail to comply with a requirement under this section, or
 - (b) in purported compliance with such a requirement, state a name that is not the person's name or an address that is not the person's residential address.

Maximum penalty—10 penalty units.

- (4) A person is not guilty of an offence under this section unless it is established that the authorised officer warned the person that a failure to comply is an offence.

28 Requirement for owner of vehicle and others to give information

- (1) If the driver of a vehicle is alleged to have committed an offence against this Act or the regulations—
 - (a) the owner of the vehicle or the person having custody of the vehicle must, when required to do so by an authorised officer, immediately give information (which must, if so required, be given in the form of a written statement signed by that owner or person) as to the name and residential address of the driver, or
 - (b) any other person must, if required to do so by an authorised officer, give any information that it is in the person's power to give and that may lead to the identification of the driver.

Maximum penalty—10 penalty units.

- (2) It is a defence to a prosecution for an offence under subsection (1) (a) if the defendant satisfies the court that the defendant did not know and could not with reasonable diligence have ascertained the driver's name or residential address.
- (3) A written statement purporting to be given under subsection (1) (a) and to contain particulars of the name and residential address of the driver of a vehicle at the time of commission of an alleged offence against this Act or the regulations that is produced in any court in proceedings against the person named in the statement as the driver for such an offence is evidence without proof of signature that the person was the driver of the vehicle at the time of the alleged offence if the person does not appear before the court.
- (4) In this section—
owner of a vehicle includes the responsible person for the vehicle within the meaning of the *Road Transport Act 2013*.

29 Liability of vehicle owner for parking offences

- (1) If a parking offence occurs in relation to any vehicle, the person who at the time of the occurrence of the offence is the owner of the vehicle is, by virtue of this section, guilty of an offence against the regulation concerned as if the person were the actual offender guilty of the parking offence unless—
 - (a) in any case where the offence is dealt with under section 30, the person satisfies an authorised officer described in the notice served under that section that the vehicle was at the relevant time a stolen vehicle or a vehicle illegally taken or used, or
 - (b) in any other case, the court is satisfied that the vehicle was at the relevant time a stolen vehicle or a vehicle illegally taken or used.
- (2) Nothing in this section affects the liability of the actual offender but where a penalty has been imposed on or recovered from any person in relation to a parking offence no further penalty may be imposed on or recovered from any other person in relation to that offence.
- (3) Despite subsection (1), an owner of a vehicle is not, by virtue of that subsection, guilty of an offence if—
 - (a) in any case where the offence is dealt with under section 30, the person—
 - (i) within 21 days after service on the person of a notice under that section in respect of the offence, gives an authorised officer described in the notice an approved nomination notice containing the name and address of the person who was in charge of the vehicle at all relevant times relating to the offence, or

- (ii) satisfies such an authorised officer that the person did not know and could not with reasonable diligence have ascertained that name and address, or
- (b) in any other case, the person—
 - (i) within 21 days after service on the person of a court attendance notice in respect of 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 all relevant times relating to the offence, or
 - (ii) satisfies the court that the person did not know and could not with reasonable diligence have ascertained that name and address.
- (3A) Despite any other provision of this Act, an approved nomination notice may be provided by a person served with a notice under section 30 within 90 days of the notice being served on the person if the approved nomination notice is provided in the circumstances specified in section 23AA or 23AB of the *Fines Act 1996*.
- (3B) If the owner of a vehicle supplies an approved nomination notice to an authorised officer or an informant for the purposes of this section, an authorised officer or informant may, by written notice served on the owner, require the owner to supply a statutory declaration for use in court proceedings that verifies the nomination contained in the approved nomination notice.
- (4) A statutory declaration under subsection (3B) if produced in any proceedings against the person named in it and in relation to the offence in respect of which the statutory declaration was supplied is evidence that that person was in charge of vehicle at all relevant times relating to that offence.
- (5) 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 a statutory declaration under, or for the purposes of subsection (3) or (3B).
- (6) In this section—

approved nomination notice has the same meaning as in section 38 of the *Fines Act 1996*.

owner of a vehicle includes the responsible person for the vehicle within the meaning of the *Road Transport Act 2013*.

parking offence means any offence of parking a vehicle in contravention of the regulations.

30 Penalty notices

- (1) An authorised officer may issue a penalty notice to a person if it appears to the officer that the person has committed (or is, by virtue of section 29, guilty of) a penalty

notice offence.

- (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.
- (3) A penalty notice that relates to an offence of which the owner of a vehicle is guilty by virtue of section 29 may be issued to the owner by being addressed to the owner (without naming the owner or stating the owner's address) and being left on, or attached to, the vehicle. This subsection does not limit the manner in which any such penalty notice may be issued under section 21 of the *Fines Act 1996*.
- (4) The *Fines Act 1996* applies to a penalty notice issued under this section.

Note—

The *Fines Act 1996* 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.

- (5) The amount payable under a penalty notice issued under this section is the amount prescribed for the alleged offence by the regulations (not exceeding the maximum amount of penalty that could be imposed for the offence by a court).
- (6) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.

31 Proof of certain matters not required

In any legal proceedings, proof is not required (until evidence is given to the contrary) of—

- (a) the constitution of the Trust, or
- (b) any resolution of the Trust, or
- (c) the appointment of, or the holding of office by, any trustee, or
- (d) the presence of a quorum at any meeting of the Trust.

32 Proceedings for offences

- (1) Proceedings for an offence against this Act or the regulations are to be dealt with summarily before the Local Court.
- (2) Any such proceedings may be commenced within but not later than 12 months after the date on which the offence is alleged to have been committed.

33 Offences by corporations

- (1) If a corporation commits an offence against this Act or the regulations—
 - (a) each person who is a director of the corporation, and

(b) each person who is concerned in the management of the corporation, is taken to have committed the same offence if the person knowingly authorised or permitted the act or omission constituting the offence.

- (1A) Subsection (1) does not apply in respect of an offence against section 28 (1).
- (2) A person may be proceeded against and convicted under this section whether or not the corporation has been proceeded against and convicted.
- (3) Nothing in this section affects any liability imposed on a corporation for an offence committed by the corporation.

34 Compensation

- (1) If any person is convicted of an offence against this Act or the regulations and the court before whom the person was convicted is satisfied that the commission of the offence caused or resulted in loss or damage to the trust lands or other property of the Trust, the court may order payment to the Trust of such sum as the court thinks fit by way of compensation for that loss or damage.
- (2) The court may make such an order whether or not it imposes a penalty for the offence.
- (3) An order made by a court under section 10 of the *Crimes (Sentencing Procedure) Act 1999* in any proceedings for an offence against this Act or the regulations operates for the purposes of subsection (1) as a conviction for the offence.

35 Recovery

Any charge, fee or money owing to the Trust may be recovered as a debt due in a court of competent jurisdiction.

36 Regulations

- (1) The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act and, in particular, for or with respect to—
- (a) the use and enjoyment of the trust lands, and
- (b) the care, control and management of the trust lands (including regulating or prohibiting the parking and use of vehicles within the trust lands), and
- (c) the determination and payment of fees for—
- (i) the use of recreation areas in the trust lands, and

- (ii) the use of roadways or other areas within the trust lands for organised activities, and
 - (iii) filming or photographing within the trust lands for the purpose of cinema or television productions or for commercial purposes, or
 - (iv) the use or purchase of any written or other material that is the property of the Trust, and
 - (v) such other items or services as the Trust may provide, and
- (d) the meetings of the Trust, and
 - (e) the committees of the Trust, and
 - (f) the use and custody of the seal of the Trust.
- (2) A regulation may create an offence punishable by a penalty not exceeding 10 penalty units.
- (3) In this section, a reference to the trust lands includes a reference to any part of the trust lands.

37 Repeal, savings and transitional

- (1) The *National Parks and Wildlife (Parramatta Regional Park) Act 1998* is repealed.
- (2) Schedule 4 has effect.

38 (Repealed)

Schedule 1 Land vested in the Trust

(Section 8)

Part 1 Description of principal trust lands

All that piece or parcel of land situated in the City of Parramatta, Parishes of St John and Field of Mars, County of Cumberland, containing an area of about 85.36 hectares, being the area shown in the plan catalogued Ms 80-3000 in the Department of Land and Water Conservation exclusive of the following parcels—

- (a) lots 951-965 inclusive DP 42643,
- (b) lots 362 and 369 DP 752058,
- (c) lot 1 DP 795042,
- (d) lots 1 and 2 DP 615339,
- (e) public road (Park Parade),

- (f) the area shown in the plan catalogued Ms 9250-3000 in the Department of Land and Water Conservation.

Part 2 Interests etc discharged

Schedule 1A Maps

(Sections 9A and 13 (1))

Part 1 Land swap between Trust and Venues NSW

Part 2 Mays Hill precinct

Part 3 Wistaria Gardens

Schedule 2 Provisions relating to the trustees

(Section 5 (2))

1 Chairperson of the Trust

- (1) One of the trustees is to be appointed as Chairperson of the Trust by the relevant instrument of appointment as a trustee or by another instrument executed by the Minister.
- (2) The Minister may remove a trustee from the office of Chairperson.
- (3) The Chairperson is taken to have vacated the office of Chairperson if the Chairperson—
 - (a) is removed from that office by the Minister under subclause (2), or
 - (b) resigns that office by instrument in writing addressed to the Minister, or
 - (c) ceases to be a trustee.

2 Acting trustees and acting Chairperson

- (1) The Minister may, from time to time, appoint a person to act in the office of a trustee during the illness or absence of the trustee, and the person, while so acting, has and may exercise all the functions of the trustee and is taken to be a trustee.
- (2) The Minister may, from time to time, appoint a trustee to act in the office of Chairperson during the illness or absence of the Chairperson, and the trustee, while so acting, has and may exercise all the functions of the Chairperson and is taken to be the Chairperson.
- (3) The Minister may remove any person from any office to which the person was appointed under this clause.
- (4) A person while acting in the office of a trustee is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of the person.
- (5) For the purposes of this clause, a vacancy in the office of trustee or the Chairperson is taken to be an absence from office of the trustee or Chairperson, as the case may be.

3 Term of office

Subject to this Schedule, a trustee holds office for such period, not exceeding 4 years, as may be specified in the instrument of appointment of the trustee, but is eligible (if otherwise qualified) for re-appointment.

4 Remuneration

- (1) A trustee is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of the trustee.
- (2) In this clause—
trustee includes any member of a committee of the Trust.

5 Casual vacancies

- (1) The office of a trustee becomes vacant if the trustee—
 - (a) dies, or
 - (b) completes a term of office and is not re-appointed, or
 - (c) resigns the office by instrument in writing addressed to the Minister, or
 - (d) is removed from office by the Minister under this clause, or
 - (e) is absent from 3 consecutive meetings of the Trust of which reasonable notice has been given to the trustee personally or by post, except on leave granted by the Minister or unless the trustee 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 his or her creditors or makes an assignment of his or her remuneration for their 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 a trustee from office.
- (3) Without limiting the generality of subclause (2), the Minister may remove from office a trustee who contravenes the provisions of clause 7.

6 Filling of vacancy in office of trustee

If the office of any trustee becomes vacant, a person is, subject to this Act, to be appointed to fill the vacancy.

7 Disclosure of pecuniary interests

- (1) If—

(a) a trustee has a direct or indirect pecuniary interest in a matter being considered or about to be considered at a meeting of the Trust, and

(b) the interest appears to raise a conflict with the proper performance of the trustee's duties in relation to the consideration of the matter,

the trustee must, as soon as possible after the relevant facts have come to the trustee's knowledge, disclose the nature of the interest at a meeting of the Trust.

(2) A disclosure by a trustee at a meeting of the Trust that the member—

(a) is a member, or is in the employment, of a specified company or other body, or

(b) is a partner, or is in the employment, of a specified person, or

(c) has some other specified interest relating to a specified company or other body or to a specified person,

is a sufficient disclosure of the nature of the interest in any matter relating to that company or other body or to that person that may arise after the date of the disclosure and that is required to be disclosed under subclause (1).

(3) Particulars of any disclosure made under this clause must be recorded by the Trust in a book kept for the purpose and that book must be open at all reasonable hours to inspection by any person on payment of the fee determined by the Trust.

(4) After a trustee has disclosed the nature of an interest in any matter, the trustee must not, unless the Minister otherwise determines—

(a) be present during any deliberation of the Trust with respect to the matter, or

(b) take part in any decision of the Trust with respect to the matter.

(5) A contravention of this clause does not invalidate any decision of the Trust.

(6) A reference in this clause to a meeting of the Trust includes a reference to a meeting of a committee of the Trust.

8 Effect of certain other Acts

(1) The provisions of the [Government Sector Employment Act 2013](#) relating to the employment of Public Service employees do not apply to a trustee.

(2) If by or under any Act provision is made—

(a) requiring a person who is the holder of a specified office to devote the whole of his or her time to the duties of that office, or

(b) prohibiting the person from engaging in employment outside the duties of that office,

the provision does not operate to disqualify the person from holding that office and also the office of a trustee or from accepting and retaining any remuneration payable to the person under this Act as a trustee.

9 Liability of trustees

No matter or thing done by the Trust, any trustee or any person acting under the direction of the Trust, if the matter or thing was done in good faith for the purposes of executing this or any other Act, subjects a trustee or a person so acting personally to any action, liability, claim or demand.

Schedule 3 Provisions relating to the procedure of the Trust

(Section 5 (3))

1 General procedure

The procedure for the calling of meetings of the Trust and for the conduct of business at those meetings is, subject to this Act and the regulations, to be as determined by the Trust.

2 Quorum

The quorum for a meeting of the Trust is 4 trustees.

3 Presiding trustee

- (1) The Chairperson (or, in the absence of the Chairperson, another trustee elected to chair the meeting by the trustees present) is to preside at a meeting of the Trust.
- (2) The presiding member has a deliberative vote and, in the event of an equality of votes, has a second or casting vote.

4 Voting

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

5 Transaction of business outside meetings or by telephone

- (1) The Trust may, if it thinks fit, transact any of its business by the circulation of papers among all the members of the Trust for the time being, and a resolution in writing approved in writing by a majority of those members is taken to be a decision of the Trust.
- (2) The Trust may, if it thinks fit, transact any of its business at a meeting at which trustees (or some trustees) participate by telephone, closed-circuit television or other means, but only if any trustee who speaks on a matter before the meeting can be heard by the other trustees.

(3) For the purposes of—

- (a) the approval of a resolution under subclause (1), or
- (b) a meeting held in accordance with subclause (2),

the Chairperson and each trustee have the same voting rights as they have at an ordinary meeting of the Trust.

(4) A resolution approved under subclause (1) is, subject to the regulations, to be recorded in the minutes of the meetings of the Trust.

(5) Papers may be circulated among the members for the purposes of subclause (1) by facsimile or other transmission of the information in the papers concerned.

6 Minutes

The Trust must cause full and accurate minutes to be kept of the proceedings of each meeting of the Trust.

7 The Chief Executive

The Chief Executive is entitled to be heard by the Trust on any matter considered by the Trust and, unless the Trust otherwise directs, is entitled to be present at each meeting of the Trust.

8 First meeting

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

Schedule 4 Savings and transitional provisions

(Section 37)

Part 1 Preliminary

1 Regulations

(1) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of the following Acts—

 this Act

(2) Any such provision may, if the regulations so provide, take effect from the date of assent to the Act concerned or a later date.

(3) To the extent to which any such provision takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as—

- (a) to affect, in a manner prejudicial to any person (other than the State or an

authority of the State), the rights of that person existing before the date of its publication, or

- (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication.

Part 2 Provisions consequent on enactment of this Act

2 Definitions

In this Part—

assets means any legal or equitable estate or interest (whether present or future and whether vested or contingent) in real or personal property of any description (including money) and includes securities, choses in action and documents.

conveyance includes transfer, assignment and assurance.

former Parramatta Regional Park means the land reserved as Parramatta Regional Park under the [National Parks and Wildlife Act 1974](#) immediately before the revocation of that reservation by this Act.

liabilities means all liabilities, debts or obligations (whether present or future and whether vested or contingent).

new Trust means the Trust constituted by this Act.

3 The former Trust

- (1) The Parramatta Regional Park Trust is dissolved.
- (2) A person who, immediately before the dissolution of the Parramatta Regional Park Trust by this Act, held office as a member of the trust board of the former Trust—
 - (a) ceases to hold that office, and
 - (b) is not entitled to any remuneration or compensation because of the loss of that office, and
 - (c) is eligible (if otherwise qualified) to be appointed as a trustee of the new Trust.

4 Construction of references

A reference to Parramatta Regional Park in any Act, in any instrument made under any Act, or in any document of any kind, is to be read as a reference to the principal trust lands.

5 Transfer of assets

- (1) On the day that the former Trust is dissolved by this Act, the assets, rights and liabilities (if any) of the former Trust are transferred to the new Trust and the following provisions have effect—
 - (a) the assets of the former Trust vest in the new Trust by virtue of this clause without the need for any conveyance,
 - (b) the rights and liabilities of the former Trust become the rights and liabilities of the new Trust,
 - (c) all proceedings commenced before that day by or against the former Trust and pending immediately before that day are taken to be proceedings pending by or against the new Trust,
 - (d) any act, matter or thing done or omitted to be done before that day by, to or in respect of the former Trust is (to the extent that that act, matter or thing has any force or effect) taken to have been done or omitted by, to or in respect of the new Trust,
 - (e) a reference in any instrument of any kind to the former Trust is to be read as a reference to the new Trust.
- (2) No attornment to the new Trust by a lessee from the former Trust is required.
- (3) In this clause—

instrument means an instrument (other than this Act) that creates, modifies or extinguishes rights or liabilities (or would do so if lodged, filed or registered in accordance with any law), and includes any judgment, order or process of a court.

6 Vesting of excised land

- (1) On the commencement of section 8, the excised land ceases to be vested in the Minister.
- (2) A reference in any lease, licence or other estate or interest to which the excised land was subject immediately before the commencement of section 8, or in the instrument creating any such lease, licence or other estate or interest, to the Minister is taken to be a reference to the new Trust.
- (3) No attornment to the new Trust by a lessee from the Minister is required.
- (4) In this clause—

instrument means an instrument (other than this Act) that creates, modifies or extinguishes rights or liabilities (or would do so if lodged, filed or registered in accordance with any law), and includes any judgment, order or process of a court.

the excised land means the land excised from Parramatta Regional Park by the *National Parks and Wildlife (Parramatta Regional Park) Act 1998*.

the Minister means the Minister administering the *National Parks and Wildlife Act 1974* in that Minister's capacity as corporation sole.

7 Saving of native title rights and interests

- (1) This Act does not operate to extinguish any native title rights and interests existing in relation to the land described in Schedule 1 immediately before its vesting by section 8.
- (2) This section does not affect any extinguishment of native title rights and interests by the operation of the *Native Title Act 1993* of the Commonwealth or the *Native Title (New South Wales) Act 1994*.
- (3) Words and expressions used in the *Native Title Act 1993* of the Commonwealth and in this clause have the same meanings as they have in that Act.

8 Plan of management

- (1) A plan of management that was in force in relation to the former Parramatta Regional Park under the *National Parks and Wildlife Act 1974* is taken to be a plan of management that has been adopted under Part 5 of this Act.
- (2) Nothing in section 79A of the *National Parks and Wildlife Act 1974* causes a plan of management that is taken to have been adopted under this Act to expire.
- (3) This clause ceases to have effect when a new plan of management for the trust lands is adopted under Part 5.

Part 3 Provisions consequent on enactment of *Statute Law (Miscellaneous Provisions) Act 2020*

9 References to Director to be construed as Chief Executive

- (1) In any document, a reference to the Director of Parramatta Park is to be construed as a reference to the Chief Executive of the Parramatta Park Trust.
- (2) In this clause—

document means any Act or statutory or other instrument, or any contract or agreement (other than this Act).

Schedule 5 (Repealed)