

Sydney Harbour Federation Trust Regulations 2001 2001 No. 296

EXPLANATORY STATEMENT

STATUTORY RULES 2001 No. 296

Issued by the Authority of the Minister for the Environment and Heritage

Sydney Harbour Federation Trust Act 2001

Sydney Harbour Federation Trust Regulations 2001

Subsection 73(1) of the *Sydney Harbour Federation Trust Act 2001* (the Act) provides that the Governor-General may make regulations prescribing all matters: (a) required or permitted by the Act to be prescribed; or (b) necessary or convenient to be prescribed for carrying out or giving effect to the Act.

Subsection 73(2) provides that the regulations may prescribe penalties for offences against the regulations. A penalty must not be more than 10 penalty units.

The purpose of the regulations is to give effect to provisions of the Act dealing with the management of Sydney Harbour Federation Trust land.

The Act enables the Commonwealth to conserve and preserve land in the Sydney Harbour region for the benefit of present and future generations of Australians. The Act does so by establishing the Sydney Harbour Federation Trust as a transitional body to manage the land in accordance with plans that are required to be developed with full community consultation. Suitable land with significant environmental and heritage values will be returned to the people of Australia.

The regulations enable the Trust to manage Trust land effectively, thus enhancing the amenity of the Sydney Harbour region.

Details of the regulations are set out in the Attachment.

The regulations commenced on 12 October 2001.

ATTACHMENT

Sydney Harbour Federation Trust Regulations 2001

Part 1: Preliminary

Regulations 1 and 2 provides the name and commencement date for the regulations.

Regulation 3 provides for a dictionary to define certain words and expressions used in the regulations.

Regulation 4 provides that Chapter 2 of the *Criminal Code* applies to offences against the regulations.

Regulation 5 provides that the regulations do not prevent New South Wales transport legislation from operating.

Part 2: Activities on Trust land

Division 2.1 Prohibited or regulated activities

Regulation 6 prohibits building activities on Trust land and details the penalty if the prohibition is breached (10 penalty units).

Regulation 7 prohibits commercial activities on Trust land and details the penalty if the prohibition is breached (10 penalty units).

Regulation 8 describes the types of hazardous activities that are prohibited on Trust land and details the penalty if the prohibition is breached (10 penalty units). Exemptions exist for fire or barbecues in Trust provided facilities (Regulation 8(2)).

Regulation 9 prohibits the possession of firearms on Trust land with the exception for police officers and licensed security officers and outlines the associated penalty (10 penalty units).

Regulation 10 prohibits damage to or removal of improvements, trees, plants, vegetation or natural feature on Trust land and outlines the associated penalty (10 penalty units).

Regulation 11 prohibits public assemblies on Trust land and outlines the associated penalty (10 penalty units).

Regulation 12 prohibits the dumping of waste, littering etc and outlines the associated penalty (10 penalty units). Exemptions exist for disposal of waste and litter in Trust provided receptacles (Regulation 12(5)).

Regulation 13 prohibits the use of poisonous substances on Trust land and outlines the associated penalty (10 penalty units). Exemptions exist for incidental use of poisonous substances for domestic purposes (Regulation 13(2)).

Regulation 14 prohibits bringing domesticated animals on to Trust land and outlines associated penalty (10 penalty units). Exemptions exist for animals assisting sight or hearing impaired people (Regulation 14(2)).

Regulation 15 prohibits the taking of plants on to or cultivation of plants on Trust Land and provides an associated penalty (10 penalty units). An exemption exists in relation to plants in the form of food (Regulation 15(3)).

Regulation 16 prohibits the use of vehicles on Trust land that is not a public road and outlines the associated penalty (10 penalty units).

Regulation 17 prohibits the use of watercraft in waters that are part of Trust land and the securing of vessels to wharves of the Trust, and outlines the associated penalty (10 penalty units).

Regulation 18 prohibits the taking of marine life from waters on Trust land and outlines an associated penalty (10 penalty units).

Regulation 19 describes activities generally relating to personal behaviour that are prohibited on Trust land and outlines the associated penalty (5 penalty units).

Regulation 20 permits the Trust to close off a place on Trust Land and create an offence and associated penalty if a person enters on a closed place. In closing a place on Trust land, the Trust must take into account its objects.

Regulation 21 provides that a ranger or warden may give safety directions if they believe that the safety of a person on Trust land may be endangered.

Regulation 22 allows the Trust by general notice to regulate use of watercraft, taking animals on to Trust land, use of animals on Trust land, conduct of persons on Trust land or entry or use of Trust land.

Regulation 23 provides that prohibited activities and action do not give rise to an offence if sanctioned by the Trust by way of notice, licence, lease or permit, are authorised by a Trust plan effected pursuant to Part 5 of the Trust Act, carried out by a relevant third party, or are accidental or reasonably necessary to protect human life or property.

Regulation 24 prevents the Trust from prosecuting prohibited conduct or activities if an order is given under regulation 37. Regulation 37 provides an offence and penalty if an order is not complied with.

Division 2.2 Licences and permits

Regulation 25 permits the Trust to authorise otherwise prohibited conduct or activities by way of licence or permit. Persons may appeal to the Administrative Appeals Tribunal against a decision to refuse, or place conditions on, a permit.

Regulation 26 provides for an offence if the terms of any licence or permit are breached and provides a penalty, (10 penalty units).

Part 3: Enforcement

Division 3.1 Wardens and rangers

Regulation 27 permits the Trust to appoint wardens and rangers and sets out requirements for appointment of wardens and rangers.

Regulation 28 provides that the Trust may make arrangements for performance of the powers of wardens and rangers by specified Commonwealth, State and Local Government officers.

Regulation 29 provides that the Trust must issue an identity card to each warden and ranger.

Division 3.2 Powers of rangers and wardens

Regulation 30 sets out situations in which a ranger or warden is empowered to request a person's name and address, and prescribes the associated penalty.

Regulation 31 sets out situations in which a ranger or warden is empowered to request the removal of persons from Trust land and prescribes the associated penalty. Regulations 31(5) & (6) permit a ranger or warden to remove a person from Trust land if the person fails to comply with a request of a ranger or warden.

Regulation 32 provides that a ranger or warden may remove certain animals from Trust land.

Regulation 33 provides that a ranger or warden may order the removal of obstructions from Trust land and prescribes the associated penalty. Regulation 33(6) permits the ranger or warden to remove an obstruction if an order to remove the obstruction is not complied with.

Regulation 34 provides that a ranger or warden may direct a driver of a vehicle to move the vehicle and prescribes the associated penalty (5 penalty units).

Regulation 35 sets out situations in which a ranger or warden is empowered to move abandoned property (including vehicles). The warden or ranger is obliged to use reasonable efforts to try to identify and inform the owner that its property has been removed and release the property to its owner on its reasonable costs being paid (Regulation 35(2)).

Regulation 36 provides that the ranger or warden may dispose of property that is removed if costs of removal and storage are not paid within a specified period.

Division 3.3 Orders

Regulation 37 describes the orders that the Trust may give, and sets out a range of circumstances that must exist before an order can be issued.

Regulation 38 sets out the requirements for content of the order.

Regulation 39 requires that a person must not contravene an order (10 penalty units).

Regulation 40 provides procedures and conditions for work carried out by the Trust if an order is contravened.

Part 4 Miscellaneous

Regulation 41 permits the Trust to charge reasonable fees for services or facilities provided by the Trust, applications for a licence, permit or other authority under the regulations.

Regulation 42 provides that the Trust may delegate its functions and powers to specified persons.