

Sydney Harbour Federation Trust Amendment Regulations 2002 (No. 1) 2002 No. 312

EXPLANATORY STATEMENT

STATUTORY RULES 2002 No. 312

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

Sydney Harbour Federation Trust Act 2001

Sydney Harbour Federation Trust Amendment Regulations 2002 (No. 1)

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

Paragraphs 73(2)(p)-(r) of the Act provide for regulations to be made relating to the functions and powers of wardens and rangers, the appointment of wardens or rangers and arrangements with the Commonwealth, New South Wales and affected councils for the performance of functions and the exercise of powers of wardens and rangers.

Regulation 31 of the Sydney Harbour Federation Trust Regulations 2001 (the principal regulations) relate to the removal of persons from Trust land, and provide (sub-regulation 31(6)) for the level of force to be used by rangers or wardens in removing persons.

The purpose of the regulations is to remove the reference to 'wardens' and to clarify that in removing a person from Trust lands a ranger must use no more force than is reasonably necessary.

The principal regulations refer to rangers and wardens but there is no distinction between the roles of each. The amendment removes the reference to warden(s) wherever appearing in the principal regulations. The amendment to sub-regulation 31(6) about the use of reasonable force to effect a person's removal from Trust land by a ranger or warden does not change the substance of the sub-regulation but better expresses the intention of that provision.

The amendments to the regulations took into account suggestions by the Senate Standing Committee on Regulations and Ordinances. The Office of Regulation Review advised that a regulation impact statement was not necessary.

The regulations commence on gazettal.