



Sydney Harbour Federation Trust Amendment Bill 2007

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Law and Bills Digest Section

Contents

Purpose.....	2
Background.....	2
Financial implications.....	4
Main provisions	4

Sydney Harbour Federation Trust Amendment Bill 2007

Date introduced: 16 August 2007

House: House of Representatives

Portfolio: Environment and Water Resources

Commencement: On the day on which it receives the Royal Assent

Links: The [relevant links](#) to the Bill, Explanatory Memorandum and second reading speech can be accessed via BillsNet, which is at <http://www.aph.gov.au/bills/>. When Bills have been passed they can be found at ComLaw, which is at <http://www.comlaw.gov.au/>.

Purpose

To amend the *Sydney Harbour Federation Trust Act 2001* (the SHFTA) in order to extend the date by which that Act is to be repealed to 19 September 2033.

Background

In delivering the 1997-98 budget, the Commonwealth Government announced that it would establish a \$1 billion Federation Fund to fully or partly finance projects of national significance as part of centenary activities.¹

Its 1998 election commitment was, amongst other things, to preserve for future generations, Commonwealth lands on the Sydney Harbour foreshore on which stood former military installations. The Government announced that, as the Department of Defence relocated from certain sites around Sydney Harbour, it would establish a Trust to assume management and planning responsibilities for those sites.²

The SHFTA which established the Sydney Harbour Federation Trust (the Trust) came into force on 20 September 2001. The objects of the Trust are, amongst other things, to ensure that management of Trust land contributes to enhancing the amenity of the Sydney Harbour regions, to protect and conserve the environmental and heritage values of the land and to maximise public access to it.³

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1. The Hon Peter Costello, Second Reading Speech, Appropriation Bill No.1 1999, *Representative Debates*, 13 May 1997, p. 3398.
 2. Coalition Environment Policy, *Protecting the Sydney Harbour Foreshore*, September 1998.
 3. Section 6, *Sydney Harbour Federation Trust Act 2001*.

Warning:

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There were originally five sites covered by this commitment being land at:

- Cockatoo Island
- Georges Heights
- Middle Head
- North Head, and
- Woolwich.⁴

By 3 September 2003 the five sites had been extended to seven described as :

- North Head Artillery School
- Middle Head, Georges Heights, Chowder Bay
- Woolwich Dock and Parklands
- Cockatoo Island
- Macquarie Lightstation, and
- Former Marine Biological Station, Watsons Bay.⁵

The work of the Trust in planning, rehabilitating and conserving its sites for future generations has been recognised on a number of occasions by professional bodies.

On 23 July 2005 an eighth site, Sydney's disused submarine base, HMAS Platypus was put into the care of the Trust.⁶

The Australian Government's original intention was for the Trust to be a transitional body to manage Commonwealth lands in and around the Sydney harbour region and maximise public access until 2011, when suitable land would be transferred to New South Wales for inclusion in the national parks and reserve system. The extension of the life of the Trust supports a recent agreement between the Commonwealth and New South Wales to transfer Commonwealth Crown land at North head to the Trust until 2032. This extension of the date by which the Act is to be repealed will ensure that the Trust is in existence when the North Head site is due to be transferred back to New South Wales.⁷

4. Preamble, *Sydney Harbour Federation Trust Act 2001*.

5. The Hon Dr David Kemp MP, Minister for Environment and Heritage, 'Plans to revitalise Sydney Harbour landmarks gets the official tick', *Media Release*, 3 September 2003.

6. C. Munro, 'Platypus plans to bring businesses back to base', *Sydney Morning Herald*, 18 January, 2007, p. 3.

7. *Explanatory Memorandum*, p. 2.

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Financial implications

The Explanatory Memorandum states that the Bill will have no financial impact.⁸

The SHFTA contains a number of measures designed to allow the Trust to develop a sustainable financial base. The Trust's most recent Annual Report for the financial year 2005/06 indicates that:

The Harbour Trust received total Government appropriation of \$23.651m comprising \$3.151m in departmental appropriation and \$20.5m capital equity injection. Revenue was also generated from sale of houses at Markham Close, the rental of Trust properties, licences for the hire of Harbour Trust sites and facilities, tour fees, and a grant from the Natural Heritage Fund for environmental works.⁹

It would appear that the Trust will generate some financial resources on its own account which can be utilised to fund the cost of maintenance of the Trust lands and buildings from 2011 to 2033.

Main provisions

Existing paragraph 64(1)(b) provides that the Trust must not, except with the Minister's written approval, enter into a lease or licence of Trust land for a period that ends more than 10 years after the date of commencement of the SHFTA. As the SHFTA commenced on 20 September 2001, this means that the Trust must not, currently, enter into a lease or licence of Trust land which ends after 19 September 2011, except with the Minister's written approval.

Item 1 amends this paragraph to extend the period to 19 September 2033.

Item 2 inserts a note at the end of existing paragraph 64(1)(b) to clarify that the SHFTA commenced on 20 September 2001. As the SHFTA commenced 'on a date to be fixed by Proclamation'¹⁰ this clarifies the date of commencement.

Item 3 amends existing subsection 66(1) by omitting the provision for the SHFTA to be repealed ten years after the commencement of the Act and inserting that the SHFTA is to be repealed on 19 September 2033.

8. *ibid.*

9. Sydney Harbour Federation Trust, 'Sydney Harbour Federation Trust Annual Report 05/06', Mosman, NSW, p.28.

10. Section 2, *Sydney Harbour Federation Trust Act 2001*.

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Item 4 adds a note to the existing subsection 66(1) that the SHFTA commenced on 20 September 2001.

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