



Exposure Draft Sydney Harbour Federation Trust Regulations 2021 Public Exhibition - Consultation Outcomes Report

Background

The Exposure Draft *Sydney Harbour Federation Trust Regulations 2021* ('the draft Regulations 2021') was publicly exhibited from 22 June to 19 July 2021. The draft Regulations 2021 were prepared to replace the *Sydney Harbour Federation Trust Regulations 2001* which were due to sunset on 1 October 2021.

The exhibition material comprised:

- Exposure Draft *Sydney Harbour Federation Trust Regulations 2021*
- Summary document

Stakeholders were invited to make a written submission via the Department of Agriculture, Water and the Environment's 'Have Your Say' portal, or directly to the Harbour Trust either by email (consulttrust@harbourtrust.gov.au) or post.

This summary provides an outline of issues raised in submissions and how these were addressed in the consideration of these matters.

Public Exhibition

Notification

The draft Regulations 2021 was placed on public exhibition for a four-week period from 22 June to 19 July 2021. Relevant documents were available for inspection on the Department of Agriculture, Water and the Environment's 'Have Your Say' portal at <https://haveyoursay.awe.gov.au/exposure-draft-shft-regs-2021>. A link to the exhibited documents was also published on the Harbour Trust website at www.harbourtrust.gov.au/en/community/public-consultation/.

The public was invited to comment on the draft Regulations 2021 through a range of channels, including:

- The Department of Agriculture, Water and the Environment's 'Have Your Say' portal at <https://haveyoursay.awe.gov.au/exposure-draft-shft-regs-2021>
- Information was uploaded to the Harbour Trust website on 22 June 2021;
- Over 700 individuals and organisations including members of the General Community Advisory Committee, Sub Base Platypus Community Advisory Committee, the Aboriginal and Torres Strait Island Advisory Committee, government bodies and community groups were notified by email from 22 June 2021;

- An electronic direct mail was sent to the Trust's subscriber database (8212 recipients) on 23 June 2021 advising of the public consultation period;
- Notices appeared in hard copy versions of *The Sydney Morning Herald* and *The Daily Telegraph* on 23 June 2021, *The Australian* on 25 June 2021, *Mosman Daily*, *North Shore Times* and *Wentworth Courier* on 8 July 2021; notices were also available in the online version of the *Manly Daily* and the *Inner West Courier* from 7 July 2021;
- Information was included in the Harbour Trust e-newsletter which was distributed on 16 July 2021; and
- Posts on Harbour Trust social media channels (Facebook, LinkedIn, and Twitter – from 22 June 2021).

Submissions Received

A total of 8 responses were received during the exhibition period, from interested organisations and individuals (via email and the survey responses). Overall, there was broad support for the draft Regulations 2021.

Issues raised in submissions have been carefully considered and informed the finalisation of the Regulations. A summary of issues raised in feedback received is discussed further below

Harbour Trust Board consideration

At its meeting on 2 August 2021, the Harbour Trust Board noted the feedback received during the exhibition period.

Approval of the new Regulations

Following careful consideration of feedback received through the consultation process, the *Sydney Harbour Federation Trust Regulations 2021* have been approved and registered on the Federal Register of Legislative Instruments, and came into effect on 14 September 2021.

To view the new Regulations, go to: <https://www.legislation.gov.au/Details/F2021L01255>

Consultation Summary

Issue Raised	Further Details	Discussion
Support for the Draft Regulations 2021	<p>The majority of submitters supported the Draft Regulations 2021. Key feedback received included:</p> <ul style="list-style-type: none"> ○ Consistent with, and supports its companion statute ○ Maintains continuity ○ Supports the minor amendments to wording of the previous regulations in order to comply with Office of Parliamentary Counsel standard wording for offences and general best practice for drafting regulations. ○ Fulfils the Objects of the Trust. ○ Support for the consultation process. 	Support is noted.

Issue Raised	Further Details	Discussion
The values in respect of Trust lands should not be put at risk by the new Regulations	The values identified in one submission include: <ul style="list-style-type: none"> ○ Community use is a priority ○ Public access is maximised ○ There is no privatisation of public land ○ The unique indigenous and military history of the land is protected and celebrated ○ The natural environment is enhanced 	These values are not inconsistent with the <i>Sydney Harbour Federation Trust Act 2001</i> and its objects. The Draft Regulations will further the objects of the Act.
Provisions for Leases/Licences	One submission suggested that consideration be given to modify the Regulations with regard to leases and licences, to make a better distinction between public authorities (public interests) and private businesses (commercial interests), to provide the Trust with better guidance when considering long term leases.	Noted. This type of consideration is more appropriately addressed through the Harbour Trust's Leasing Policy.
Riding of bikes on the Memorial Walk	One submission raised that 'No riding of bikes on the Memorial Walk at North Head' was not included in the Regulations, and that it should be as it is a common practice that is disruptive to pedestrians and disrespectful to the memorial.	Noted. The Regulations provide for bicycles to be prohibited on certain paths. It is not necessary to specifically identify those paths within the Regulations. A sign has been erected at the Memorial Walk prohibiting cycling, in accordance with the Regulations.
Documentation on public exhibition	Most submitters were satisfied with the documentation that was placed on public exhibition. However, some submitters raised the following concerns: <ul style="list-style-type: none"> ○ The public exhibition material could have included a document in simple English without the legal terminology. 	A summary document was included in the exhibition documents to provide a clear and concise summary of the Draft Regulations 2021.