



# SYDNEY HARBOUR FEDERATION TRUST MEMBERS' CHARTER

## Part 1 - Background

### Legislative Framework

#### ***Sydney Harbour Federation Trust Act 2001 (Cth) (Harbour Trust Act)***

The Sydney Harbour Federation Trust (Harbour Trust) is established by section 5 of the Harbour Trust Act. The Harbour Trust Act details the objects, functions and powers of the Harbour Trust (set out in Attachment A to this Members' Charter); the governance and executive structure of the Harbour Trust, the transfer of land to the Harbour Trust and the management of Trust land.

#### *Governance*

Governance of the Harbour Trust is vested in its Members acting collectively (the Harbour Trust's 'Accountable Authority'). Members are appointed by the Harbour Trust's responsible Minister in accordance with section 12 of the Harbour Trust Act. The Accountable Authority is responsible for determining the strategies and policies of the Harbour Trust to achieve its functions and objectives. The Accountable Authority can also issue directives to the Executive Director regarding the management of the Harbour Trust's affairs.

The Accountable Authority of the Harbour Trust consists of the following Members:

- a. The Chair; and
- b. Seven other Members.

There are a number of qualifications on the Minister's right to appoint members:-

- a. Of the seven members the Minister must invite New South Wales to recommend persons to be appointed to 2 of the membership positions;
- b. One of the Members must, in the Minister's opinion, represent the interests of the Indigenous Community;
- c. Another of the Members must be an elected member of an affected council; and
- d. The Minister must not appoint a person as a Member if, immediately after the appointment of the person, more than one-half of the Members would be public employees.

#### *Management*

Management of the Harbour Trust's affairs is vested in the Executive Director by section 40 of the Harbour Trust Act. The Executive Director leads the Executive Team and manages the affairs of the Harbour Trust subject to the directions of, and in accordance with policies determined by, the Members.

### *Power of the Minister to direct the Harbour Trust*

Under [section 9](#) of the Harbour Trust Act the Harbour Trust's responsible minister has the power to issue directions to the Harbour Trust. Any directions issued by the Minister must be complied with by the Accountable Authority and the Executive Director.

It is extremely unusual for the Minister to give such directions. Any directions given by the Minister would need to be consistent with the Harbour Trust Act, including its objectives and functions.

### ***The Public Governance, Performance and Accountability Act 2013 (Cth) (PGPA Act)***

The PGPA Act regulates governance arrangements for Commonwealth entities, both on a collective and individual basis and establishes planning, performance and accountability requirements for Commonwealth entities. In regard to governance requirements the purposes of the PGPA Act:-

- The Harbour Trust is a corporate Commonwealth Entity ([section 11](#));
- The members collectively is the 'Accountable Authority' of the Harbour Trust ([section 12](#)); and
- Each member is an official (along with other DHA employees) ([section 13](#))

### **Duties of Members when acting collectively**

When acting collectively members are the Harbour Trust's Accountable Authority. The PGPA Act imposes certain duties on Accountable Authorities. These duties will apply to Members when acting collectively. In summary the duties imposed on Accountable Authorities are:

1. [Section 15](#) - Govern the organisation in a way that:
  - a. Promotes the proper use and management of resources for which it is responsible;
  - b. Promotes the achievement of the purposes of the entity; and
  - c. Promotes the financial sustainability of the entity.
2. [Section 16](#) - Establish and maintain:
  - a. An appropriate system of risk oversight and management for the entity; and
  - b. An appropriate system of internal control for the entity, including by implementing measures directed at ensuring officials of the entity comply with finance laws.
3. [Section 17](#) - Encourage officials of the entity to co-operate with others to achieve common objectives, where practicable.
4. [Section 19](#) - Keep the responsible Minister and the Finance Minister informed.

More guidance on the nature and extent of these duties can be found in Resource Management Guide 200 (Guide to the PGPA Act for Secretaries, Chief Executives and governing boards (accountable authorities)).

### **Duties of Members as officials**

Members have duties under the PGPA Act.

The general duties that the PGPA Act places on officials are similar to the ones that apply to directors under the *Corporations Act 2001* (Cth), in that they promote high standards of governance, performance and accountability. The general duties under the PGPA Act are as follows:

1. Duty of Care and Diligence ([section 25](#)).
2. Duty to Act in Good Faith and for a Proper Purpose ([section 26](#)).
3. Duty in Relation to Position ([section 27](#)) - not to Improperly Use Position.
4. Duty in Relation to Information ([section 28](#)).
5. Duty to Disclose Interests ([section 29](#)).

## Part 2 - Activities of the Members as the 'Accountable Authority'

The Members are responsible for setting the strategic direction of the Harbour Trust and monitoring the implementation of that strategy by Harbour Trust Management.

In view of the matters discussed in Part 1 it is anticipated that the activities of the Members acting as the Harbour Trust's Accountable Authority will include (as a minimum):-

1. Reviewing and approving the Harbour Trust's strategic direction, its business plan, policies and significant strategic initiatives and plans.
2. Reviewing and approving the corporate plan and any other performance objectives or plans consistent with the Harbour Trust's strategy.
3. Monitoring implementation of any plans which give effect to the Harbour Trust's strategy.
4. Working with management to systematically identify and manage strategic risks and opportunities.
5. Providing input, approving and overseeing the budget and financial statements and Annual Report.
6. Monitoring and reviewing the performance of the Executive Director.
7. Ensuring the Harbour Trust has an appropriate governance framework in place that supports the objects and functions of the Harbour Trust.
8. Determining the Harbour Trust's risk appetite and tolerances to ensure that the Harbour Trust has an appropriate and effective risk management framework and operates within the risk appetite set by the Members.
9. Making decisions in relation to matters that have implications for the overall policy, direction and performance of the Harbour Trust and appointing advisory committees where appropriate to assist in making these decisions, as required.
10. Ensuring that the Harbour Trust has appropriate and effective people, work health and safety systems, processes and procedures in place including processes for receiving and considering information regarding incidents, hazards and risks and responding in a timely way to that information.
11. Working with management to:
  - a. Ensure effective and accountable relationships with Parliament, the Commonwealth Government and the responsible Minister; and
  - b. Foster effective and mutually productive relationships with stakeholders and the Australian community.
12. Complying with general government policy as directed by the Minister and according to the Harbour Trust Act and the PGPA Act.
13. Determining, upholding and promoting the Harbour Trust's Code of Conduct.
14. Making Recommendations to the responsible Minister in relation to the appointment of the Executive Director.

The Members must balance competing demands on the Harbour Trust, remain independent from the Executive Team, and manage the particular interests of all stakeholders and the wider public interest.

### Role of the Chair and Deputy Chair

1. In addition to the responsibilities of a Member of the Harbour Trust, the Chair also has responsibilities to:
  - a. Facilitate the proper information flow to the Members;
  - b. Facilitate the effective functioning of the Members including managing the conduct, frequency and length of the Members' meetings;
  - c. Communicating the views of the Members, in conjunction with the Executive Director, to the Harbour Trust's broader stakeholders including the public; and
  - d. Manage formal relationships between the Harbour Trust, the NSW Government, the Minister for the Environment, and other relevant Ministers and key stakeholders.

2. In consultation with the Executive Director, the Chair's responsibilities include:
  - a. Setting the agenda for the matters to be considered by the Members;
  - b. Seeking to ensure that the information provided to the Members is relevant, accurate, timely and sufficient to keep the Members appropriately informed of the performance, finances, affairs, opportunities and challenges of the organisation, and of any developments that may have a material impact on it;
  - c. Seeking to ensure that communications with stakeholders, government departments and the public are timely accurate and relevant;
  - d. Facilitating open and constructive communications amongst the Members and encouraging their contribution to deliberations;
  - e. Overseeing and facilitating Member, committee and Executive Director evaluation reviews;
  - f. Liaising and interfacing with the Executive Director as the primary contact between the Members and management; and
  - g. Liaising with and counselling, as appropriate, the Members.
3. Under [section 14](#) of the Harbour Trust Act, the Minister may appoint a Member to act as the Chair during a period of vacancy or absence.
4. The Deputy Chair (if one is appointed) or any acting Chair has the following responsibilities (subject to any matters specified by the Minister):
  - a. To perform the role and functions of the Chair in the absence of the Chair for any reason;
  - b. To be able to facilitate approvals and actions required to be performed by the Chair where the Chair actually or potentially may be compromised due to personal or other conflict of interest; and
  - c. At the request of the Chair to support the Chair in the performance of the role and function of the Chair.

## Part 3 - Policies of the Harbour Trust relevant to Members as 'officials'

### Ethical Decision Making and the Code of Conduct

Members are obliged to comply and act consistently with the Harbour Trust Code of Conduct.

The Harbour Trust recognises that the exercise of good governance requires sound, purposeful and ethical making consistent with the objects set out in the Harbour Trust Act. The Harbour Trust is required to make decisions consistent with the objects as articulated in the Harbour Trust Act. In making those decisions, the Harbour Trust's Code of Conduct provides guidelines on the standards of personal and professional conduct. It articulates the following ethical standards for the Harbour Trust:

1. **Impartial:** The Harbour Trust is apolitical and performs its functions that are frank, honest, and timely and based on the best available evidence.
2. **Committed to service:** The Harbour Trust is professional, objective, innovative and efficient, and works collaboratively to achieve the best results for the Australian community and the Government.
3. **Accountable:** The Harbour Trust is open and accountable to the Australian community under the law and within the framework of its responsibilities.
4. **Respectful:** The Harbour Trust respects all people, including their rights and their heritage.
5. **Ethical:** The Harbour Trust demonstrates leadership, is trustworthy and acts with integrity in all that it does.

For the Members, compliance with the Code of Conduct includes compliance with the following provisions in relation to the performance of the Members' functions:

1. Behave honestly and with integrity.
2. Act with care and diligence.
3. Treat everyone with respect and courtesy, and without harassment.
4. Comply with all applicable Australian laws.
5. Disclose, and take reasonable steps to avoid, any conflict of interest (real or apparent).
6. Use the powers of office for a proper purpose, in the best interests of the Harbour Trust as a whole.
7. Not provide false or misleading information in response to a request for information that is made for official purposes.
8. Not make improper use of inside information, status, power or authority in order to gain, or seek to gain, a benefit or advantage.
9. Be independent in judgement and actions and to take all reasonable steps to be satisfied as to the soundness of all decisions taken by the Members.
10. At all times behave in a way that upholds the Harbour Trust's values and the integrity and good reputation of the Harbour Trust.

### **Breaches of the Code of Conduct**

If a Member becomes aware of behaviour that is or appears to be inconsistent with the Code of Conduct or is inconsistent with their responsibilities or duties as a Member they have a responsibility to act without delay, by raising the matter with the Chair.

1. The procedures for investigating a breach of the Code of Conduct will have due regard to procedural fairness and will generally require the Member suspected of breaching the Code of Conduct to:
  - a. Be informed of the details of the possible breach and the sanction that may be imposed;
  - b. Have a support person of their choice present during the interview and have an opportunity to provide a written statement about the suspected breaches of the Code of Conduct, should they wish to do so; and
  - c. Be given a reasonable opportunity to properly respond and put their case before any decision is made.
2. The decision maker must act without bias or an appearance of bias (the 'bias' rule).
3. There must be facts or information to support adverse findings (the 'evidence' rule).
4. If it is determined that the Member has breached the Code of Conduct a sanction will be imposed by the Members and they will be provided with a written statement giving reasons for the determination and sanction.
5. The sanctions that can be imposed by the Members for a breach of the Code of Conduct are:
  - a. Reprimand; and
  - b. Recommendation to the Minister for the termination of the Member.
6. If the view is formed that the matter is not serious enough to warrant any further action, a less formal action is appropriate in the circumstances or that there is no substance to the allegation.
7. If it is found that the Member has not breached the Code of Conduct the decision maker will inform the Member in writing of the determination and the process will be finalised and closed.
8. In some circumstances, the matter of concern may be required to be referred to the Australian Federal Police (AFP), or to another external agency or law enforcement body.
9. If a Member is required to face criminal charges before a court of law as a result of an investigation, a separate process may be commenced in relation to any associated potential breaches of the Code of Conduct.

10. Members shall understand the following Resource Management Guides issued by the Department of Finance:
  - a. Resource Management Guide No.200 PGPA Act for Secretaries, Executive Director or governing boards (accountability authorities);
  - b. Resource Management Guide No.202 Audit committees for Commonwealth entities and Commonwealth Companies; and
  - c. Resource Management Guide No.203 General Duties of Officials, and copies of these are available at an office of the Harbour Trust.

### **Confidentiality**

Confidential information received by a Member in the course of the exercise of his/her duties remains the property of the entity from which it was obtained and it must not be disclosed, unless that disclosure has been authorised by that entity, or the person from whom the information is provided, or is required by law.

### **Conflicts of Interest and Disclosure**

1. The Members will comply with [section 16](#) of the Harbour Trust Act which requires that Members must not engage in any paid employment that in the Minister's opinion conflicts with or may conflict with the proper performance of the Members' duties.
2. In performing their duties, Members have a responsibility to always act in the best interest of the Harbour Trust. Members shall keep strictly separate from their duties and activities as Members any personal interests, whether these are financial, or relate to family, friends or associates. If a conflict arises, the Members' duties to the Harbour Trust must prevail.
3. All Members are expected to disclose any actual or potential conflicts of interest in any matter where they are expected to be involved in a decision or action as part of their duties to the Harbour Trust. Members are also expected to bring to notice any circumstances that could result in a third party reasonably perceiving a conflict of interest to exist.
4. In order to avoid either a real or perceived conflict of interest, Members will not, generally, offer to the Harbour Trust their professional services or those of any commercial organisation with whom they are legally associated. If advice is sought or provided which may be considered or be perceived as a professional service, this matter should be raised by the relevant Member, or the Chair, and dealt with in accordance with the processes as described. This does not prevent an organisation that employs or engages a Member from seeking to contract with the Harbour Trust under the Harbour Trust's formal tendering protocols; however, should the organisation win a tender, it is expected that the Members would follow these conflict of interest provisions.
5. A conflict of interest may arise from:
  - a. Membership of other boards or committees;
  - b. Professional and business interests and associations;
  - c. Investment interests;
  - d. Family or other personal relationships; or
  - e. Other employment.
6. Members are given the opportunity at the commencement of each meeting to declare any potential conflicts of interest. Opportunities for disclosure will also be given upon appointment as a Member and between meetings. Members must disclose the full and accurate details of the interest or issue to the other Members as soon as practicable after the relevant facts come to the Member's knowledge.

7. All disclosed actual or perceived conflicts of interest, related party transactions, pecuniary interests and non-pecuniary interests will be recorded. The following must be clearly recorded in formal documents:
  - a. Disclosure of the conflict of interest;
  - b. Directions given about handling the conflict of interest;
  - c. Decisions and arrangements made for resolving the conflict of interest; and
  - d. Steps taken in implementing the chosen strategy to manage the conflict of interest.
8. Where a conflict of interest is identified, there are several management options available. The minimum requirement for all conflicts of interest is that they be formally disclosed and recorded.
9. In instances where the conflict of interest is not likely to arise frequently, restricting the relevant Member's involvement in the matter may be the most appropriate strategy. This includes restricted access to information about the matter and the Member refraining from participating in debate on related issues or voting on decision proposals.
10. Engaging an independent third party to oversee all or part of the process that deals with the matter is appropriate where the potential effects, or perceived effects, of a conflict of interest are deemed to be of significant magnitude for the Harbour Trust.
11. For more ongoing or serious conflicts of interest, the Chair, in consultation with the relevant Member, may choose to remove that Member from any involvement in the matter. In such circumstances, the relevant Member will not take part in any discussion or vote relating to the interest or issue, or on any proposed resolution in relation to the matter. This includes a requirement for the Member to be absent from the meeting room when any relevant discussion or vote is taking place and to not receive any relevant papers.
12. Where these processes are deemed to be insufficient for a given situation, the Members will consider a number of methods to manage a conflict of interest disclosed by a Member. These include:
  - a. Divestment of the interest that created the conflict;
  - b. Severing the connection from a position or situation that created the conflict; and
  - c. When alternative action is not possible, resignation from the Harbour Trust.

### **Gifts, Benefits and Hospitality**

In order to avoid the possibility of being compromised or being perceived as compromised in their role as Members, Members will not accept gifts, benefits or hospitality that could place them under an actual or perceived obligation to a third party. Gifts or hospitality of token or nominal value can be accepted if refusal would cause offence and are declared and recorded.

## **Part 4 - Miscellaneous**

### **Independent Advice**

1. A Member is entitled to seek independent professional advice (including but not limited to legal, accounting and financial advice) at the Harbour Trust's expense on any matter connected with the discharge of his or her responsibilities, in accordance with the procedures and subject to the conditions set out below:
  - a. The Member must seek the prior approval of the Chair (or Deputy or acting Chair as appropriate having regard to the relevant circumstances);
  - b. In seeking such prior approval, the Member must provide details of:
    - i. the nature of and reasons for the independent professional advice to be sought;
    - ii. the likely cost of obtaining the independent professional advice; and
    - iii. details of the independent adviser the Member proposes to instruct; and
  - c. The approval of the Chair (or Deputy or acting Chair as appropriate) must not be unreasonably withheld.

## Stakeholder Engagement

Stakeholder engagement is important to the functioning of the Harbour Trust. Gaining an understanding of the issues that matter requires continual and meaningful engagement with Stakeholders. Members have an important role in establishing and developing sound relationships with Harbour Trust stakeholders.

The Harbour Trust has in place a range of mechanisms for stakeholder engagement. However, it is also recognised that a Member may be approached directly from time to time by individuals or stakeholder groups as part of the stakeholder engagement process. The Members agree to ensure that relevant feedback received through those discussions with stakeholders is communicated to the Executive Director by the relevant Members for appropriate consideration. The Members should be conscious of:

1. At all times acting in the interests of the Harbour Trust;
2. Acting in accordance with decisions of the Members; and
3. Complying with any requirements in relation to conflicts of interest.

The Members acknowledge the formal mechanisms the Harbour Trust has in place for engagement with stakeholders including:

1. **Community:** A community advisory committee established in accordance with section 57 of the Harbour Trust Act in respect of each plan area and which currently incorporates:
  - a. A general Community Advisory Committee;
  - b. A Sub Base Platypus Advisory Committee; and
  - c. An Aboriginal & Torres Strait Islander Advisory Committee.
2. **Meetings** held in public throughout the year.
3. **Staff:** Information and formal channels available to staff including through the annual culture survey, team and “all staff” meetings and regular performance feedback.
4. **Planning/Environment:** Consultation on:
  - a. Draft plans as required under the Harbour Trust Act;
  - b. Management plans as required under the Comprehensive Plan;
  - c. Management plans as required under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth); and
  - d. Certain development/planning proposals where required in accordance with the Comprehensive Plan and the *Environment Protection and Biodiversity Conservation Act 1999* (Cth).
5. **Tenants:** The conduct of tenant surveys to obtain feedback from its tenants.
6. **Government and regulators:** Engagement with the Department of Agriculture, Water and the Environment, communication as a member of the Department’s Portfolio Audit Committee and regular engagement generally with the Department’s portfolio areas.
7. **Visitor engagement surveys** conducted throughout the year.

## Responsibilities and Accountabilities of the Executive Director and Executive Team

The Executive Director is responsible to the Harbour Trust for the management of the Harbour Trust in accordance with the strategies and policies approved by the Members and the requirements of the PGPA Act and the Harbour Trust Act and in accordance with the delegations from the Members.

The Executive Team is responsible for assisting the Executive Director, and for implementing the strategy determined by the Members and measuring performance against the strategy.



### **Member Delegations, Committees and Operations**

1. The Member may, by writing and subject to the Harbour Trust Act and the PGPA Act, delegate all or any of its functions or powers to the Executive Director or member of the Executive Team. A delegation may be varied or revoked by resolution of the Member.
2. In accordance with [section 58](#) of the Harbour Trust Act, the Members may establish technical advisory committees.
3. The Members currently have in place community advisory committees (outlined above in “Stakeholder Engagement”).
4. In relation to audit, the Department of Agriculture, Water and the Environment Portfolio Audit Committee (PAC) and a PAC Finance Subcommittee assist the Members to fulfil their governance responsibilities in the areas of financial management, risk management, internal control and compliance.
5. In relation to leasing, the Harbour Trust Tenant Selection Committee was established (in accordance with the Leasing Policy) to assist the Members in relation to its governance responsibilities in relation to leasing.

### **Review of Member effectiveness**

The Members will participate in an annual review of the Members' effectiveness in carrying out their responsibilities. The Chair will implement a review system which, subject to consultation with the other Members, may include:

1. A collective review of effectiveness undertaken by the Members;
2. Individual performance reviews for directors;
3. Opportunities for directors to give private feedback to the Chair on Member effectiveness; or
4. Such other review mechanisms as the Members decides.

The Chair, in consultation with the other Members, will consider whether or not to engage an external facilitator to assist with the above.

### **Induction and Training**

Each new Member will on appointment participate in an induction programme which will include discussions with the Chair, the Executive Director and other relevant members of the Executive Team to gain an understanding of the Harbour Trust and its procedures.

Members must ensure they keep themselves adequately informed in respect of relevant industry and regulatory issues and will be invited to participate internal training sessions and site tours from time to time. Any other training requirements should be discussed with and if appropriate arranged by the Executive Director (with the Chair's approval).

### **Meetings**

1. The Harbour Trust is to hold such meetings as are necessary for the efficient performance of its functions.
2. Meetings are to be held at such times and places as the Harbour Trust determines.
3. The Chair may call a meeting at any time if, in his or her opinion, it is in the public interest for the Harbour Trust to consider matters urgently.
4. The Chair must ensure that at least four meetings are held each year.
5. The Chair must also ensure that:
  - a. At least one of those meetings is held in each six month period starting on 1 January or 1 July; and
  - b. That meeting is open to the public.

6. In accordance with [section 50\(6\)](#) of the Harbour Trust Act, a decision to meet in private must be recorded in the minutes together with the reasons for so deciding.

### Notice of Meetings

1. Each Member is entitled to receive at least:
  - a. 24 hours' notice of an urgent meeting called by the Chair under [subsection 50\(3\)](#) of the Harbour Trust Act; and
  - b. Seven days' written notice of any other meeting of the Members.
2. The Harbour Trust must also give at least seven days' notice to the public of a meeting of the Members, unless the meeting is an urgent meeting or is not open to the public.

### Presiding at meetings

1. The Chair presides at all meetings at which he or she is present.
2. If the Chair is not present at a meeting, the Deputy Chair (if there is one appointed by the Members) will assume the role that otherwise would be performed by the Chair if the Chair was not absent.
3. If the Chair is absent and there is no appointed Deputy Chair, the Members present will appoint one of the Members present to act as Chair.

### Quorum

A majority of the Members for the time being holding office constitutes a quorum.

### Voting at Meetings

1. A question is decided by a majority of the votes of the Members present and voting.
2. The person presiding at a meeting has a deliberative vote and, if necessary, also a casting vote.

### Minutes of Meetings

1. The Harbour Trust must keep minutes of its meetings.
2. The reasons why the Chair called an urgent meeting under [subsection 50\(3\)](#) of the Harbour Trust Act must be recorded in the minutes.
3. The name of each person who moves or seconds a motion must be recorded in the minutes.
4. The minutes must be made publicly available:
  - a. By electronic means; and
  - b. For inspection at an office of the Harbour Trust.
5. Where minutes are redacted to remove private deliberations by the Members, this is to be appropriately recorded in the minutes including in accordance with [subsection 50\(6\)](#) of the Harbour Trust Act.

### Resolutions without meetings

If the Harbour Trust so determines, a resolution is taken to have been passed at a meeting of the Harbour Trust if:

1. Without a meeting, a majority of the Members indicate agreement with the resolution in accordance with the method determined by the Harbour Trust; and
2. That majority would have constituted a quorum at a meeting of the Harbour Trust.

## Annexure A – Objects, Functions and Powers of the Harbour Trust

### Objects

The objects of the Harbour Trust are set out in [section 6](#) of the Harbour Trust Act and are:

1. To ensure that management of the Harbour Trust land contributes to enhancing the amenity of the Sydney Harbour region;
2. To protect, conserve and interpret the environmental and heritage values of the Harbour Trust land;
3. To maximise public access to the Harbour Trust land;
4. To establish and manage suitable the Harbour Trust land as a park on behalf of the Commonwealth as the national government;
5. To co-operate with other Commonwealth bodies that have a connection with any Harbour land in managing that land; and
6. To co-operate with New South Wales, affected councils and the community in furthering the above objects.

### Functions

The functions of the Harbour Trust are set out in [section 7](#) of the Harbour Trust Act and are:

1. To hold the Harbour Trust land for and on behalf of the Commonwealth;
2. To undertake community consultation on the management and conservation of the Harbour Trust land;
3. To do the things referred to in [section 38A](#) before plans take effect for an area of the Harbour Trust land;
4. To develop draft plans in respect of the Harbour Trust land and any other Harbour land in furthering the objects, and performing other functions, of the Harbour Trust;
5. To rehabilitate, remediate, develop, enhance and manage the Harbour Trust land, by itself or in co-operation with other institutions or persons, in accordance with the plans;
6. To make recommendations to the Minister on:
  - a. Plans; and
  - b. The proposed transfer of any Harbour Trust land;
7. To promote appreciation of the Harbour Trust land, in particular its environmental and heritage values;
8. To provide services and funding to other Commonwealth bodies in furthering the objects, and performing other functions, of the Harbour Trust; and
9. Anything incidental to or conducive to the performance of its other functions.

### Powers

1. The Harbour Trust has power to do all things necessary or convenient to be done for or in connection with the performance of its functions.
2. The [Harbour Trust's powers](#) include, but are not limited to, the following powers:
  - a. Negotiate with other Commonwealth bodies and with New South Wales and affected councils;
  - b. Acquire, hold and dispose of real and personal property;
  - c. Enter into agreements with New South Wales and affected councils;
  - d. Accept gifts, grants, bequests and devises made to it;
  - e. Enter into contracts and agreements;
  - f. Form, or participate in the formation of, companies;
  - g. Enter into partnerships;
  - h. Participate in joint ventures; and
  - i. Raise money, by borrowing or otherwise, in accordance with [section 63](#) of the Harbour Trust Act.