

Queensland



BRISBANE CRICKET GROUND ACT 1993

**Reprinted as in force on 22 October 1997
(includes amendments up to Act No. 54 of 1996)**

Reprint No. 1A

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Information about this reprint

This Act is reprinted as at 22 October 1997. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes.

This page is specific to this reprint. See previous reprint for information about earlier changes made under the Reprints Act 1992. A table of earlier reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

Queensland



BRISBANE CRICKET GROUND ACT 1993

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BRISBANE CRICKET GROUND ACT 1993

[as amended by all amendments that commenced on or before 22 October 1997]

An Act to consolidate and amend the law relating to the development and management of the Brisbane Cricket Ground, and for related purposes

PART 1—PRELIMINARY

Short title

1. This Act may be cited as the *Brisbane Cricket Ground Act 1993*.

Definitions

2. In this Act—

“**Board**” means the Board of Trustees constituted by section 11;

“**Trust**” means ‘The Brisbane Cricket Ground Trust’ continued in existence by section 3.

PART 2—THE TRUST AND ITS BOARD

Division 1—Establishment, functions and powers of the Trust

Establishment of Trust

3. The trust established under section 4 of the *Brisbane Cricket Ground*

Act 1958 is continued in existence under the same name ‘The Brisbane Cricket Ground Trust’.

Trust is a body corporate etc.

4.(1) The Trust—

- (a) is a body corporate; and
- (b) has a seal; and
- (c) may sue and be sued in its corporate name.

(2) The Trust is a statutory body within the meaning of the—

- (a) *Financial Administration and Audit Act 1977*; and
- (b) *Statutory Bodies Financial Arrangements Act 1982*.

(3) The *Statutory Bodies Financial Arrangements Act 1982*, part 2B sets out the way in which the Trust’s powers under this Act are affected by the *Statutory Bodies Financial Arrangements Act 1982*.

Trust does not represent State

5. The Trust does not represent the State.

Trust exempt public authority under Corporations Law

6. The Trust is an exempt public authority for the purposes of the Corporations Law.

Trust’s functions

7. The Trust’s functions are to—

- (a) maintain the Brisbane Cricket Ground as one of Brisbane’s major sporting venues of comparable standard to corresponding facilities in other Australian capital cities; and
- (b) maintain the Brisbane Cricket Ground to a standard appropriate for the conduct of international and interstate sporting events; and
- (c) provide and maintain facilities for patrons that will encourage

public attendance at events conducted at the Brisbane Cricket Ground.

Management of Trust

8.(1) The Trust must manage the Brisbane Cricket Ground in a way that—

- (a) is consistent with sound commercial principles and produces an annual cash surplus over operating costs and committed debt repayment; and
- (b) enables the standard and status of the Brisbane Cricket Ground to be steadily enhanced.

(2) In managing the Brisbane Cricket Ground, the Trust is to have regard to the requirements of the tenants of the Brisbane Cricket Ground with a view to implementing policies to the mutual benefit of the tenants and the Trust and for the improvement of the sports played on the Brisbane Cricket Ground.

Trust's powers

9.(1) The Trust has power to do all things necessary or convenient to be done for, or in connection with, the performance of its functions.

(2) Without limiting subsection (1), the Trust has the powers that are conferred on it by this Act.

(3) Without limiting subsection (1), the Trust has, for or in connection with the performance of its functions, all the powers of an individual, and may, for example—

- (a) enter into contracts; and
- (b) acquire, hold, dispose of, and deal with property; and
- (c) appoint agents and attorneys; and
- (d) charge, and fix terms for goods, services and information supplied by it; and
- (e) engage consultants.

Restriction on Trust's power to sell land

10.(1) Despite section 9, the Trust must not sell an estate in fee simple in Trust land without first obtaining the Governor in Council's approval.

(2) The Governor in Council may impose conditions on a sale approved under subsection (1).

Division 2—The board of trustees**The Board**

11. There is a board of trustees of the Trust.

Role of Board

12. It is the role of the Board—

- (a) to decide the objectives, strategies and policies to be followed by the Trust; and
- (b) to ensure that the Trust performs its functions in a proper, effective and efficient way.

Composition of Board

13. The Board is to consist of not less than 5 and not more than 7 trustees.

Division 3—Provisions relating to trustees**Appointment**

14. The trustees are to be appointed by the Governor in Council.

Duration of appointment

15. The appointment of a trustee is for the term (not longer than 3 years) specified in the trustee's instrument of appointment.

Conditions of appointment

16. A trustee holds office on the conditions not provided in this Act that are determined by the Governor in Council.

Chairperson

17. The Governor in Council must appoint 1 of the trustees as the chairperson.

Termination of appointment

18.(1) The Governor in Council may terminate the appointment of a trustee—

- (a) if the trustee is convicted of an indictable offence; or
- (b) if the trustee is guilty of misconduct or neglect of duty; or
- (c) if the trustee contravenes this Act without reasonable excuse; or
- (d) if the trustee is unable to perform the functions of office because of physical or mental incapacity; or
- (e) if the trustee becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit.

(2) The Governor in Council may, at any time, terminate the appointment of all or any trustees for any reason or none.

Division 4—Business of the Board**Conduct of business**

19. Subject to section 20, the Board may conduct its business (including its meetings) in the way it considers appropriate.

Disclosure of interests by trustees

20.(1) If—

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- (a) a trustee has a direct or indirect pecuniary interest in a matter being considered, or about to be considered, by the Board; and
- (b) the interest could conflict with the proper performance of the trustee's duties in relation to consideration of the matter;

the trustee must disclose the nature of the interest at a meeting of the Board as soon as practicable after the relevant facts come to the trustee's knowledge.

(2) The disclosure must be recorded in the Board's minutes and, unless the Board otherwise determines, the trustee must not—

- (a) be present during any deliberations of the Board in relation to the matter; or
- (b) take part in any decision of the Board in relation to the matter.

(3) A trustee who makes a disclosure must not—

- (a) be present at any deliberation by the Board for the purpose of making a determination under subsection (2); or
- (b) take part in the making by the Board of a determination under subsection (2).

(4) For the purposes of this section, a person is not taken to have a direct or indirect pecuniary interest in a matter merely because the matter concerns a tenant of which the person is a member, associate or employee.

*Division 5—Miscellaneous***The Trust's seal**

21.(1) The Trust's seal must be kept in the custody directed by the Board and may be used only as authorised by the Board.

(2) Judicial notice must be taken of the imprint of the Trust's seal appearing on a document and the document must be presumed to have been properly sealed until the contrary is proved.

Judicial notice of certain signatures

22. Judicial notice must be taken of—

- (a) the official signature of a person who is or has been the chairperson; and
- (b) the fact that the person holds or has held the office concerned.

Authentication of documents

23.(1) A document made by the Trust (other than a document that is required to be sealed) is sufficiently made if it is signed by the chairperson or a person authorised by the Trust.

(2) A document made by the Trust under seal is sufficiently made under seal if it is sealed in the way authorised under section 21(1) and signed by the chairperson or a person authorised by the Trust.

PART 3—GENERAL

Trust property

24.(1) The Trust holds the property of the Trust on trust for the tenants from time to time of the Trust's land.

(2) No part of the property of the Trust is distributable, whether by way of division of profits or by way of distribution of assets, among the tenants.

Park land

25. The Brisbane City Council must continue to hold the land described as Lot 2 on Registered Plan B31553, County of Stanley, Parish of South Brisbane, for public park and road purposes and for no other purpose.

Register

26.(1) The Board is to keep a register called 'The Brisbane Cricket Ground Trust, Register of Trustees' in the form that it considers appropriate.

(2) The register must be kept in the custody directed by the Board.

(3) The person who has custody of the register is to record in it the names and other relevant particulars of the trustees.

Governor in Council may approve schemes to improve facilities

27. The Governor in Council may approve arrangements that are not within the power of the Board for improving the Brisbane Cricket Ground.

By-laws

28.(1) The Board may make by-laws for the purposes of this Act.

(2) A by-law may be made with respect to the following matters—

- (a) the conduct of, and procedures at, meetings or other proceedings of the Board;
- (b) penalties for contraventions of a by-law, not exceeding 10 penalty units.

(3) A by-law has no effect unless approved by the Governor in Council.

Regulations

29. The Governor in Council may make regulations for the purposes of this Act.

PART 4—TRANSITIONAL AND REPEALS

Trustees to continue until new appointments

30. The persons who, immediately before the commencement of this Act, were trustees of the Trust only continue to be trustees until the appointment of new trustees under this Act.

Effect of passing of this Act

31.(1) To remove any doubt—

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- (a) all the assets and liabilities of the Trust immediately before the commencement of this Act are the assets and liabilities of the Trust; and
 - (b) all the property of the Trust immediately before the commencement is the property of the Trust freed and discharged from the trusts on which the property of the Trust was held immediately before the commencement.
- (2) To remove any doubt, this Act does not affect—
- (a) any membership rights that a person had to the Brisbane Cricket Ground immediately before the commencement of this Act; and
 - (b) any interest (other than as a beneficiary of the Trust) that a person had in the property of the Trust immediately before the commencement.

Gabba Towers scheme

32. Despite the repeal of the *Brisbane Cricket Ground Act 1958*, section 22B of that Act continues to apply to matters that have not been completed under that section before the commencement of this Act.

By-laws in force under repealed Act

33.(1) A by-law in force under the *Brisbane Cricket Ground Act 1958* immediately before the commencement of this Act continues to have effect after the commencement as if it had been made under this Act.

(2) Subsection (1) only has effect for 6 months after the commencement of this Act.

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 22 October 1997. Future amendments of the Brisbane Cricket Ground Act 1993 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

AIA	=	Acts Interpretation Act 1954	(prev)	=	previously
amd	=	amended	proc	=	proclamation
ch	=	chapter	prov	=	provision
def	=	definition	pt	=	part
div	=	division	pubd	=	published
exp	=	expires/expired	R[X]	=	Reprint No.[X]
gaz	=	gazette	RA	=	Reprints Act 1992
hdg	=	heading	reloc	=	relocated
ins	=	inserted	renum	=	renumbered
lap	=	lapsed	rep	=	repealed
notfd	=	notified	s	=	section
om	=	omitted	sch	=	schedule
o in c	=	order in council	sdiv	=	subdivision
p	=	page	SIA	=	Statutory Instruments Act 1992
para	=	paragraph	SL	=	subordinate legislation
prec	=	preceding	sub	=	substituted
pres	=	present	unnum	=	unnumbered
prev	=	previous			

4 Table of earlier reprints

TABLE OF EARLIER REPRINTS

[If a reprint number includes a roman letter, the reprint was released in unauthorised, electronic form only.]

Reprint No.	Amendments included	Reprint date
1	none	26 July 1993

5 List of legislation

Brisbane Cricket Ground Act 1993 No. 30

date of assent 2 June 1993

commenced on date of assent

as amended by—

Statutory Bodies Financial Arrangements Amendment Act 1996 No. 54 ss 1–2, 9 sch

date of assent 20 November 1996

ss 1–2 commenced on date of assent

remaining provisions commenced 1 June 1997 (1997 SL No. 128)

6 List of annotations

Trust is a body corporate etc.

s 4 amd 1996 No. 54 s 9 sch

By-laws in force under repealed Act

s 33 s 33(1) ceases to have effect 6 months after commencement of Act (see s 33(2))

Acts repealed

s 34 om R1 (see s 40 RA)

SCHEDULE—ACTS REPEALED

om R1 (see s 40 RA)