

BRISBANE CRICKET GROUND BILL 1993

EXPLANATORY NOTES

GENERAL OUTLINE

Objectives of the Legislation

The principal objective is to provide for the restructuring of the Trust. Other objectives include:

- (a) to clearly define the objectives of the Trust;
- (b) to reduce the period of appointment of Trustees from five years to a maximum of three years;
- (c) to exempt Trustees who may have an association with a tenant of the Trust from the requirement, on the basis of that association, that they shall not participate in the Trust's consideration of any question with respect to an agreement, proposed agreement or other matter;
- (d) to provide that the beneficiaries of the Trust shall be the tenants of the ground rather than specifically the members of the Queensland Cricket Association;
- (e) provide for the appointments of the existing trustees to cease on the date of the appointment of the new trustees to the restructured Trust; and
- (f) provide for the Brisbane Cricket Ground Trust to be categorised as a statutory body for the purposes of the Financial Administration and Audit Act.

On the advice of Parliamentary Counsel, the opportunity is being taken to redraft the 1958 legislation to consolidate and update the Act, to make it more readable and remove a number of redundant provisions.

Reasons for the Bill

The Government has recently taken a number of decisions in relation to the redevelopment of the Brisbane Cricket Ground. This includes the relocation of the Gabba Greyhound Racing Club to Albion Park Paceway.

The Brisbane Cricket Ground Act provides for representation on the Trust from a number of organisations associated with the ground, including one representative of the Gabba Greyhound Racing Club to be appointed as a trustee of the Brisbane Cricket Ground Trust. With the relocation of the Greyhound Racing Club this representation is no longer appropriate.

Also, with the redevelopment of the Ground, a more commercial approach to its operation is essential. This can be best achieved by the appointment of trustees who have strong commercial managerial experience and knowledge of public facilities management. Appointment of trustees who represent tenants of the ground or other nominated groups as provided by the Act at present can often lead to sectional interests being given priority at the expense of matters which are to the benefit of the ground overall. The Act currently provides for the following composition of trustees:

- (a) three shall be representatives of the Government of the State;
- (b) one shall be a representative of Suncorp;
- (c) two shall be persons who are associated with the activities of The Queensland Cricket Association;
- (d) one shall be a person who is associated with the activities of the Queensland Cricketers' Club;
- (e) one shall be a person who is associated with the activities of the Gabba Greyhound Racing Club.

In the circumstances, it is proposed to amend the legislation to reduce the size of the Trust from eight trustees to a minimum of five and a maximum of seven trustees with appointment to be made on a non-representational basis.

Also, the Brisbane Cricket Ground has previously been approved as a coursing ground for the conduct of greyhound racing. This approval is no longer relevant and needs to be withdrawn.

In conjunction with these amendments, it is desirable that the objectives of the Trust be clearly set down in the legislation to ensure that the ground is managed in accordance with the Government's intention.

Section 18 of the Act currently provides that the members of The Queensland Cricket Association are the beneficiaries of the ground. To more appropriately reflect the multi-tenancy arrangement of the ground and to put the major tenants on an equal footing, it is now proposed that the tenants be made the beneficiaries of the ground.

Estimated Cost for Government Implementation

There will be no cost to Government resulting from the enactment of this proposed legislation.

Consultation

Consultation has taken place with the following Government organisations and sporting associations:

- Brisbane Cricket Ground Trust
- Department of Tourism, Sport & Racing
- Queensland Cricket Association
- Queensland Cricketers' Club
- Brisbane Bears Football Club

The Queensland Cricket Association, while accepting the proposed changes, had a preference for a representational Trust structure to continue.

The other organisations consulted were supportive of the proposed amended arrangements.

NOTES ON PROVISIONS

Clause 1 Provides the citation of the Act.

Clause 2 Clarifies the Bill's application by defining a number of terms used in the Bill.

Clause 3 Transitional arrangements providing for the Trust to continue in existence under the proposed legislation.

Clause 4 Provides that the Trust is a body corporate, has a seal, is a statutory body and may sue and be sued in its corporate name.

Clause 5 Provides that the Trust does not represent the State.

Clause 6 Provides that the Trust is effectively not subject to the Corporations Law.

Clause 7 Sets out the functions of the Trust to ensure that the ground is maintained as an international standard sporting facility.

Clause 8 Sets down a number of principles that the Trust must adhere to in managing the ground to ensure that the ground is run on a commercial basis and takes into account the requirements of the tenants.

Clause 9 Defines the powers the Trust has to manage the ground. Generally the Trust has the power to do all things necessary to be done for the performance of its functions as described in the Bill.

Clause 10 Provides that the Trust obtain the approval of the Governor-in-Council prior to selling Trust land.

Clause 11 Establishes the trustees of the Trust as a Board.

Clause 12 Provides that the Board of Trustees is to plan the activities of the Trust and ensure that they are carried out appropriately.

Clause 13 Provides that the Board is to have a minimum of five trustees and a maximum of seven trustees appointed to it.

Clause 14 Provides that the trustees are to be appointed by the Governor-in-Council.

Clause 15 Provides that the appointment of Trustees is to be for a term of three years or less.

Clause 16 Provides that the Trustee shall hold office on the conditions as determined by the Governor-in-Council.

Clause 17 Provides that the Governor-in-Council must appoint one of the trustees as Chairperson.

Clause 18 Nominates a variety of circumstances under which the Governor-in-Council can remove a trustee from office.

Clause 19 Provides that, subject to Clause 20, the Board is to establish arrangements for the conduct of its business as it thinks appropriate.

Clause 20 Establishes arrangements for the handling of a conflict of interest by a trustee, but provides that a trustee will not have a conflict of interest merely because the matter concerns a tenant of which the trustee is a member, associate or employee.

Clause 21 Provides for custody of the Trust's seal and that judicial recognition must be given to the seal where it appears on a document.

Clause 22 Provides that judicial recognition must be given to the Chairperson and the Chairperson's signature.

Clause 23 Provides for the legal recognition of documents prepared by the Trust if signed by a duly authorised person.

Clause 24 Provides that the Trust property is held for the benefit of the tenants while they remain as tenants, but that the assets of the Trust are not to be distributed to the tenants.

Clause 25 Provides that the Brisbane City Council is to continue to use the land on the corner of Mains Street and Stanley Street for public park and road purposes.

Clause 26 Provides that the Board is to keep a register containing the relevant details of the Trustees such as name, address and date of appointment as a trustee.

Clause 27 Provides that the Governor-in-Council has the power to approve improvements to the ground where the Trust does not have that power.

Clause 28 Provides that the Board may make by-laws in relation to the operations of the Brisbane Cricket Ground, providing they are approved by the Governor-in-Council.

Clause 29 Provides for the making of regulations under the proposed legislation should this prove necessary in the future.

Clause 30 Provides that the current trustees will continue to hold office only until the appointment of new trustees.

Clause 31 Transitional clause preserving the assets and liabilities of the Trust and membership and other rights of persons associated with the Trust.

Clause 32 The current legislation provides for a scheme of arrangement under which title to the land on which Gabba Towers stands would transfer to Suncorp Finance and the land where the Sir Gordon Chalk and Clem Jones Stands would transfer to the Trust. These transactions have not been finalised and this clause allows for the finalisation of the transactions under the proposed legislation.

Clause 33 Provides for the existing by-laws to be recognised under the proposed legislation, but that they must be reviewed and approved by the Governor-in-Council within six months.

Clause 34 Repeals the current Brisbane Cricket Ground legislation