

Queensland



BRISBANE CRICKET GROUND BILL 1993

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1993**

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1993

A BILL

FOR

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

BE IT ENACTED by the Queen’s Most Excellent Majesty, by and with 1
the advice and consent of the Legislative Assembly of Queensland in 2
Parliament assembled, and by the authority of the same, as follows. 3

PART 1—PRELIMINARY 4

Short title 5

Clause1. This Act may be cited as the *Brisbane Cricket Ground Act 1993*. 6

Definitions 7

Clause2. In this Act— 8

“**Board**” means the Board of Trustees constituted by section 11; 9

“**Trust**” means ‘The Brisbane Cricket Ground Trust’ continued in 10
existence by section 3. 11

PART 2—THE TRUST AND ITS BOARD 12

Division 1—Establishment, functions and powers of the Trust 13

Establishment of Trust 14

Clause3. The trust established under section 4 of the *Brisbane Cricket 15*
Ground Act 1958 is continued in existence under the same name ‘The 16
Brisbane Cricket Ground Trust’. 17

Trust is a body corporate etc. 18

Clause4.(1) The Trust— 19

(a) is a body corporate; and 20

(b) has a seal; and 21

(c) may sue and be sued in its corporate name.	1
(2) The Trust is a statutory body within the meaning of the—	2
(a) <i>Financial Administration and Audit Act 1977</i> ; and	3
(b) <i>Statutory Bodies Financial Arrangements Act 1982</i> .	4
Trust does not represent State	5
<i>Clause 5.</i> The Trust does not represent the State.	6
Trust exempt public authority under Corporations Law	7
<i>Clause 6.</i> The Trust is an exempt public authority for the purposes of the Corporations Law.	8 9
Trust’s functions	10
<i>Clause 7.</i> The Trust’s functions are to—	11
(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	12 13 14
(b) maintain the Brisbane Cricket Ground to a standard appropriate for the conduct of international and interstate sporting events; and	15 16
(c) provide and maintain facilities for patrons that will encourage public attendance at events conducted at the Brisbane Cricket Ground.	17 18 19
Management of Trust	20
<i>Clause 8.(1)</i> The Trust must manage the Brisbane Cricket Ground in a way that—	21 22
(a) is consistent with sound commercial principles and produces an annual cash surplus over operating costs and committed debt repayment; and	23 24 25
(b) enables the standard and status of the Brisbane Cricket Ground to be steadily enhanced.	26 27

(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

Clause 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

Clause 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	1
<i>Clause 11.</i> There is a board of trustees of the Trust.	2
Role of Board	3
<i>Clause 12.</i> It is the role of the Board—	4
(a) to decide the objectives, strategies and policies to be followed by the Trust; and	5 6
(b) to ensure that the Trust performs its functions in a proper, effective and efficient way.	7 8
Composition of Board	9
<i>Clause 13.</i> The Board is to consist of not less than 5 and not more than 7 trustees.	10 11
<i>Division 3—Provisions relating to trustees</i>	
Appointment	13
<i>Clause 14.</i> The trustees are to be appointed by the Governor in Council.	14
Duration of appointment	15
<i>Clause 15.</i> The appointment of a trustee is for the term (not longer than 3 years) specified in the trustee’s instrument of appointment.	16 17
Conditions of appointment	18
<i>Clause 16.</i> A trustee holds office on the conditions not provided in this Act that are determined by the Governor in Council.	19 20
Chairperson	21
<i>Clause 17.</i> The Governor in Council must appoint 1 of the trustees as the chairperson.	22 23

Termination of appointment	1
Clause 18.(1) The Governor in Council may terminate the appointment of a trustee—	2 3
(a) if the trustee is convicted of an indictable offence; or	4
(b) if the trustee is guilty of misconduct or neglect of duty; or	5
(c) if the trustee contravenes this Act without reasonable excuse; or	6
(d) if the trustee is unable to perform the functions of office because of physical or mental incapacity; or	7 8
(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.	9 10 11 12
(2) The Governor in Council may, at any time, terminate the appointment of all or any trustees for any reason or none.	13 14

Division 4—Business of the Board

Conduct of business	16
Clause 19. Subject to section 20, the Board may conduct its business (including its meetings) in the way it considers appropriate.	17 18
Disclosure of interests by trustees	19
Clause 20.(1) If—	20
(a) a trustee has a direct or indirect pecuniary interest in a matter being considered, or about to be considered, by the Board; and	21 22
(b) the interest could conflict with the proper performance of the trustee’s duties in relation to consideration of the matter;	23 24
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.	25 26 27
(2) The disclosure must be recorded in the Board’s minutes and, unless	28

-
- the Board otherwise determines, the trustee must not— 1
- (a) be present during any deliberations of the Board in relation to the 2
matter; or 3
 - (b) take part in any decision of the Board in relation to the matter. 4
- (3)** A trustee who makes a disclosure must not— 5
- (a) be present at any deliberation by the Board for the purpose of 6
making a determination under subsection (2); or 7
 - (b) take part in the making by the Board of a determination under 8
subsection (2). 9
- (4)** For the purposes of this section, a person is not taken to have a direct 10
or indirect pecuniary interest in a matter merely because the matter concerns 11
a tenant of which the person is a member, associate or employee. 12

Division 5—Miscellaneous 13

The Trust’s seal 14

Clause 21.(1) The Trust’s seal must be kept in the custody directed by the 15
Board and may be used only as authorised by the Board. 16

(2) Judicial notice must be taken of the imprint of the Trust’s seal 17
appearing on a document and the document must be presumed to have been 18
properly sealed until the contrary is proved. 19

Judicial notice of certain signatures 20

Clause 22. Judicial notice must be taken of— 21

- (a) the official signature of a person who is or has been the 22
chairperson; and 23
- (b) the fact that the person holds or has held the office concerned. 24

Authentication of documents 25

Clause 23.(1) A document made by the Trust (other than a document that is 26
required to be sealed) is sufficiently made if it is signed by the chairperson 27

or a person authorised by the Trust. 1

(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. 2
3
4

PART 3—GENERAL 5

Trust property 6

Clause 24.(1) The Trust holds the property of the Trust on trust for the tenants from time to time of the Trust’s land. 7
8

(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. 9
10

Park land 11

Clause 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. 12
13
14
15

Register 16

Clause 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. 17
18
19

(2) The register must be kept in the custody directed by the Board. 20

(3) The person who has custody of the register is to record in it the names and other relevant particulars of the trustees. 21
22

Governor in Council may approve schemes to improve facilities 23

Clause 27. The Governor in Council may approve arrangements that are not within the power of the Board for improving the Brisbane Cricket Ground. 24
25

By-laws	1
<i>Clause28.(1)</i> The Board may make by-laws for the purposes of this Act.	2
(2) A by-law may be made with respect to the following matters—	3
(a) the conduct of, and procedures at, meetings or other proceedings of the Board;	4 5
(b) penalties for contraventions of a by-law, not exceeding 10 penalty units.	6 7
(3) A by-law has no effect unless approved by the Governor in Council.	8

Regulations	9
<i>Clause29.</i> The Governor in Council may make regulations for the purposes of this Act.	10 11

PART 4—TRANSITIONAL AND REPEALS

12

Trustees to continue until new appointments	13
<i>Clause30.</i> 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.	14 15 16

Effect of passing of this Act	17
<i>Clause31.(1)</i> To remove any doubt—	18
(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	19 20 21
(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.	22 23 24 25

- (2) To remove any doubt, this Act does not affect— 1
- (a) any membership rights that a person had to the Brisbane Cricket 2
Ground immediately before the commencement of this Act; and 3
 - (b) any interest (other than as a beneficiary of the Trust) that a person 4
had in the property of the Trust immediately before the 5
commencement. 6

Gabba Towers scheme 7

Clause32. Despite the repeal of the *Brisbane Cricket Ground Act 1958*, 8
section 22B of that Act continues to apply to matters that have not been 9
completed under that section before the commencement of this Act. 10

By-laws in force under repealed Act 11

Clause33.(1) A by-law in force under the *Brisbane Cricket Ground Act 12
1958* immediately before the commencement of this Act continues to have 13
effect after the commencement as if it had been made under this Act. 14

(2) Subsection (1) only has effect for 6 months after the commencement 15
of this Act. 16

Acts repealed 17

Clause34. The Acts specified in Schedule are repealed. 18

SCHEDULE

1

ACTS REPEALED

2

section 34

3

Brisbane Cricket Ground Act 1958

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Brisbane Cricket Ground Act Amendment Act 1971

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Brisbane Cricket Ground Act Amendment Act 1978

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Brisbane Cricket Ground Act Amendment Act 1982

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Brisbane Cricket Ground Act Amendment Act 1991

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