

BRISBANE CRICKET GROUND ACT AMENDMENT ACT

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SCHEDULE IV

Queensland



ANNO QUADRAGESIMO

ELIZABETHAE SECUNDAE REGINAE

No. 12 of 1991

An Act to amend the Brisbane Cricket Ground Act 1958-
1986 in certain particulars

[ASSENTED TO 1ST MAY, 1991]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

1. Short title. This Act may be cited as the *Brisbane Cricket Ground Act Amendment Act 1991*.

2. Principal Act and amended citation. (1) In this Act the *Brisbane Cricket Ground Act 1958-1986* is referred to as the Principal Act.

(2) The Principal Act as amended by this Act may be cited as the *Brisbane Cricket Ground Act 1958-1991*.

3. Amendment of s. 14. Power to mortgage. Section 14 of the Principal Act is amended by omitting subsections (1) and (2) and substituting the following subsection:—

“(1) The Trust may, with the approval of the Governor in Council—

- (a) borrow moneys on such terms and conditions and for such purposes as are specified in the approval; and
- (b) for those purposes, mortgage the assets of the Trust.”.

4. Amendment of s. 22A. Implementation of Improvement Scheme. Section 22A of the Principal Act is amended—

(a) in subsection (15)—

(i) by inserting after the word “extension” the words “or reduction”;

(ii) by inserting after the word “extend” the words “or reduce”;

(iii) by omitting all words from and including the words “to enable” to and including the words “or complied with”;

(iv) by inserting after the words “period or” the words “any reduced or”;

(b) by inserting in subsection (16) after the words “period or” the words “any reduced or”.

5. New s. 22B. The Principal Act is amended by inserting after section 22A the following section:—

“**22B. Implementation of Gabba Towers scheme.** (1) In this section—

“day of reversion” means the day the commercial lands referred to in subsection (2) revert in the Trust pursuant to section 22A;

“Easement C” means the easement over the Trust land and shown as Easement C on the survey plan reproduced in Schedule IV;

“Easement D” means the easement over the Gabba Towers land and shown as Eastment D on the survey plan reproduced in Schedule IV;

“Gabba Towers land” means the land, be the same a little more or less, shown as Lot 3 on the survey plan reproduced in Schedule IV;

“Town Plan” means the Town Plan for the City of Brisbane in force for the time being;

“Trust land” means the land, be the same a little more or less, shown as Lot 2 on the survey plan reproduced in Schedule IV.

(2) (a) Upon the reversion in the Trust of the commercial lands within the meaning of and pursuant to section 22A, the Trust is to lodge for registration with the Registrar of Titles a survey plan substantially in the form of the plan reproduced in Schedule IV and the Registrar of Titles, if satisfied that the plan is correct and the requirements of the *Real Property Act 1861-1990* (other than the conditions prescribed by section 119 (3) of that Act) have been complied with, is to register that plan in the manner prescribed by that Act notwithstanding that the conditions prescribed by section 119 (3) aforesaid have not been complied with and that the plan does not bear a notation of approval under the seal of the Brisbane City Council.

(b) Section 119 (4) of the *Real Property Act 1861-1990* does not apply in respect of the registration of that plan.

(3) The subdivision of land by means of the survey plan registered under the authority of subsection (2) is to be taken to be in compliance in all respects with the *City of Brisbane Town Planning Act 1964-1989* and the Town Plan.

(4) Upon the registration of the survey plan referred to in subsection (2), the Trust is to surrender to the Crown all its estate, right, title and interest in the land contained in certificates of title Volume 5687 Folio 49 and Volume 4957 Folio 154.

(5) (a) Upon surrender to the Crown of the land referred to in subsection (4), the Governor in Council is to grant, in priority to all other persons and subject to this Act, but otherwise in accordance with the *Land Act 1962-1990*, an estate in fee simple—

(i) in the Gabba Towers land;
and

(ii) in the Trust land.

(b) The deed of grant issued pursuant to paragraph (a) (i) is to be issued in the name of “Suncorp Insurance and Finance” and free of all encumbrances other than Easement D.

(c) The deed of grant issued pursuant to paragraph (a) (ii) is to be issued in the name of “The Brisbane Cricket Ground Trust” and free of all encumbrances other than—

(i) Easement C;

(ii) Easement No. 918770;

- (iii) Easement No. 965557;
- (iv) Lease No. F940725;
- (v) Bill of Mortgage No. B864143;
- (vi) Bill of Mortgage No. D232913;
- and
- (vii) Bill of Mortgage No. G217985;

but subject to the same trusts as the estate, interest and trusts for, on or upon which that land was held by the Trust immediately before the day of reversion.

(d) Both Easements C and D are to contain such terms and conditions as the Governor in Council considers appropriate.

(e) Section 34AA of the *Local Government Act 1936-1990* does not apply in respect of the registration of the survey plan referred to in subsection (2) or in respect of the registration of Easements C and D.

(6) (a) The surrender to the Crown under subsection (4) of the land contained in certificate of title Volume 4957 Folio 154 is not to extinguish or affect any rights, duties, powers or obligations under any unregistered sublease entered into before the commencement of this Act in respect of any part of that land.

(b) In respect of all the land surrendered to the Crown under subsection (4), all encumbrances other than—

- (i) Easement C;
- (ii) Easement D;
- (iii) Easement No. 918770;
- (iv) Easement No. 965557;
- (v) Lease No. F940725;
- (vi) Bill of Mortgage No. B864143;
- (vii) Bill of Mortgage No. D232913;
- and
- (viii) Bill of Mortgage No. G217985;

are to be taken to be surrendered or released, as the case may require, and the Registrar of Titles, without further authority, may make appropriate notings or recordings in the register.

(7) Notwithstanding the provisions of the *City of Brisbane Town Planning Act 1964-1989* or the Town Plan, after the deed of grant is issued pursuant to subsection (5) (a) (i), the Gabba Towers land, unless and until that land is rezoned pursuant to that Act, is to be included in the Business Zone under the provisions of the Town Plan and that Act and the scheme maps are to be noted accordingly by the Director of Local Government and the Brisbane City Council.

(8) (a) Upon the issue of the deed of grant pursuant to subsection (5) (a) (ii), the Trust is to give Suncorp Insurance

and Finance (in this section called "Suncorp"), for the purposes of consolidating the several loans or advances (or both) by Suncorp to the Trust which existed immediately before the day of revesting, such security (including but without limiting the generality of this subsection a first ranking mortgage debenture or a bill of mortgage, or both) over the assets of the Trust as will give Suncorp the security it had (other than under Bills of Mortgage Nos. B864143, D232913 and G217985) immediately before the day of revesting.

(b) The security given under paragraph (a) is to contain such terms, covenants, conditions and requirements as are approved by the Governor in Council to secure the liabilities of the Trust to Suncorp.

(c) Whilst any security given under paragraph (a) remains undischarged the Trust is not to give any other security affecting that land to any person other than Suncorp without the written consent of Suncorp first had and obtained.

(d) Suncorp may not exercise any power of sale under any security given under paragraph (b) without the prior consent of the Governor in Council."

6. New Schedule IV. The Principal Act is amended by inserting after Schedule III the following Schedule:—

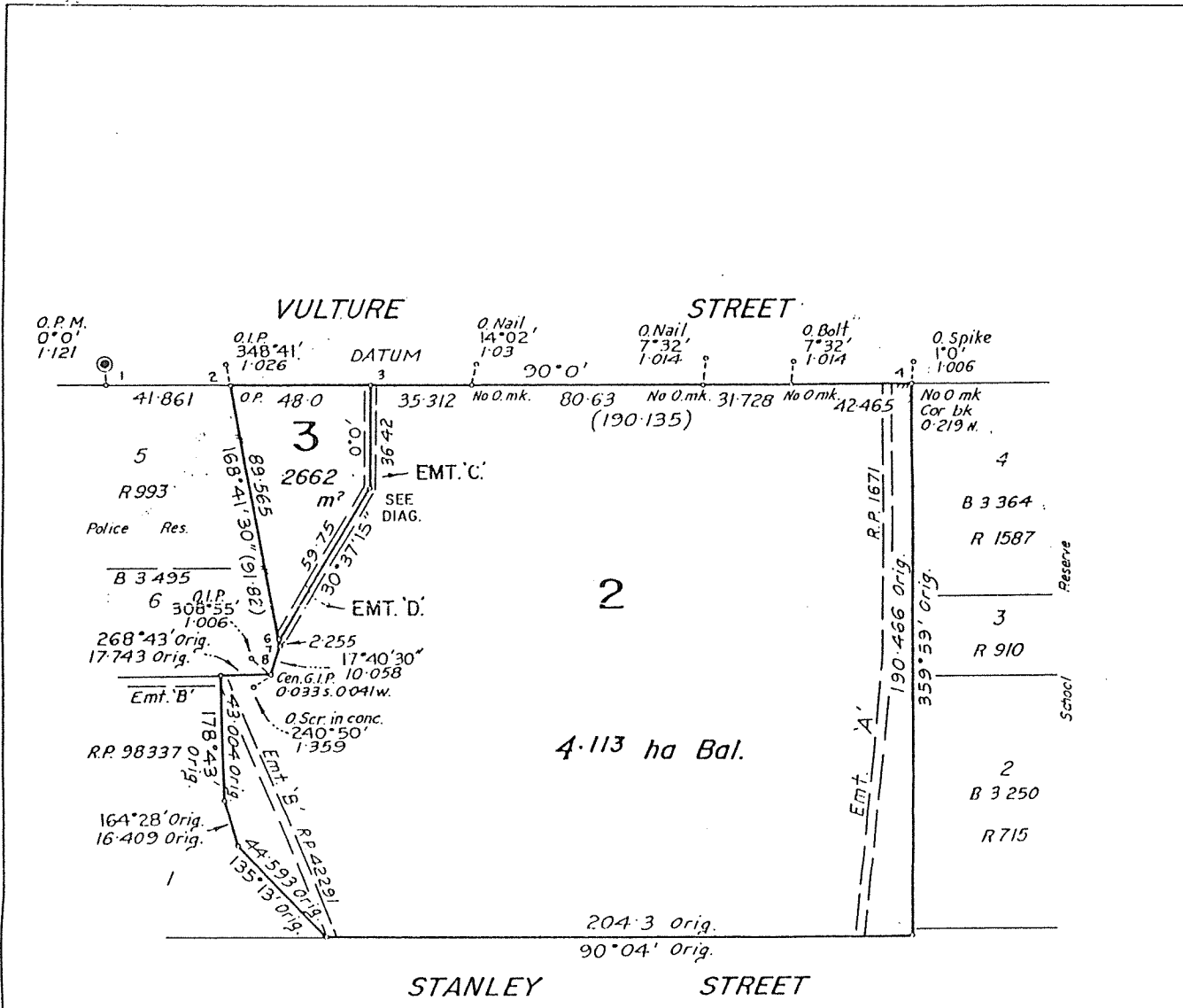
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"SCHEDULE IV

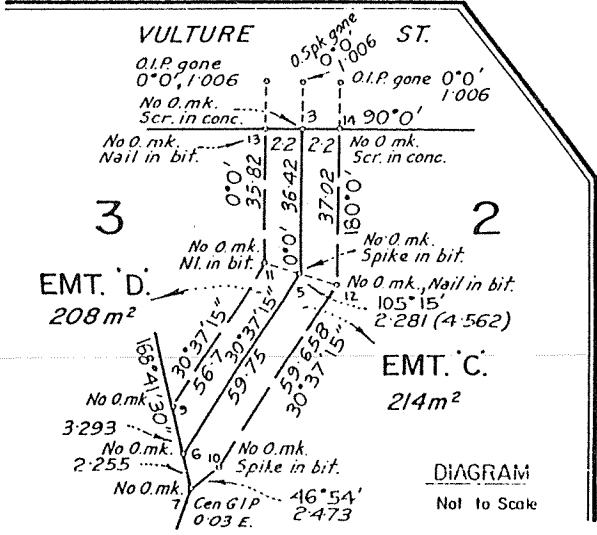
PLAN MUST BE DRAWN WITHIN BLUE LINES

PLAN MUST BE DRAWN WITHIN BLUE LINES



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Original information compiled from RP 131810 in the Division of Titles

I, Drew Ross CLARKE
 hereby certify that I/the company have surveyed the
 land comprised in this plan (either personally or by
 personally
 for whose work I/the company accept responsibility),
 that the plan is accurate, that the said survey was
 performed in accordance with the Surveyors Act and
 the Surveyors Regulations and that the said survey
 was completed on 30-1-1987
 16-10-90
 Date

PLAN OF LOTS 2 and 3 and PROPOSED EASEMENTS C in LOT 2 and D in LOT 3
 Cancelling Lots 1 and 2 on RP 131810.
 ORIG. POS. SEC. 54 Allot. 1 of Sec 54

METRIC	MAP REF	SCALE	FILE REF	REGISTERED	REGISTERING AUTH
					D.O.T. (South)

PARISH SOUTH BRISBANE
COUNTY Stanley
TOWN/LOCALITY
LOCAL AUTHORITY Brisbane City Council
LAND AGENTS/MINING DISTRICT
MINING FIELD

PLAN 803783