

Queensland



# LANG PARK TRUST ACT 1994

**Reprinted as in force on 27 July 2001  
(includes amendments up to Act No. 45 of 2001)**

**Reprint No. 1B**

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the Office of the Queensland Parliamentary Counsel  
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# Information about this reprint

This Act is reprinted as at 27 July 2001. 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.

Minor editorial changes allowed under the Reprints Act 1992 have been made to use aspects of format and printing style consistent with current drafting practice (s 35).

This page is specific to this reprint. See previous reprints 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.**



# LANG PARK TRUST ACT 1994

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# LANG PARK TRUST ACT 1994

[as amended by all amendments that commenced on or before 27 July 2001]

**An Act to consolidate and amend the law about the development and management of Lang Park, and for related purposes**

## PART 1—PRELIMINARY

### 1 Short title

This Act may be cited as the *Lang Park Trust Act 1994*.

### 2 Commencement

This Act commences on a day to be fixed by proclamation.

### 3 Definitions

In this Act—

“**Board**” means the Board of Trustees.<sup>1</sup>

“**Trust**” means the Lang Park Trust.<sup>2</sup>

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1 See section 12.

2 See section 4.

## **PART 2—THE TRUST AND ITS BOARD**

### ***Division 1—Establishment, functions and powers of the Trust***

#### **4 Establishment of Trust**

The trust established under section 3 of the *Lang Park Trust Act 1962* is continued in existence under the name, the Lang Park Trust.

#### **5 Trust is a body corporate etc.**

**(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 for the *Financial Administration and Audit Act 1977* and the *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*.

#### **6 Trust does not represent State**

The Trust does not represent the State.

#### **8 Trust's functions**

The Trust's functions are to—

- (a) maintain Lang Park as one of Brisbane's major sporting venues of comparable standard to corresponding facilities in other Australian capital cities; and
- (b) maintain Lang Park 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 Lang Park.

## **9 Management of Trust**

(1) The Trust must manage Lang Park 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 Lang Park to be steadily enhanced.

(2) In managing Lang Park, the Trust must have regard to the needs of the tenants of Lang Park with a view to implementing policies for the mutual benefit of the tenants and the Trust and for the improvement of the sports played at Lang Park.

## **10 Trust's powers**

(1) The Trust may do all things necessary or convenient to be done for, or in connection with, performing its functions.

(2) Without limiting subsection (1), the Trust has the powers given to it by this Act.

(3) Without limiting subsection (1), the Trust has, for or in connection with performing 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.

### ***Division 2—Board of trustees***

## **11 The Board**

There is a board of trustees of the Trust.

**12 Role of Board**

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 the Trust performs its functions in a proper, effective and efficient way.

**13 Composition of Board**

The Board consists of 4 trustees.

*Division 3—Provisions about trustees***14 Appointment**

The trustees are appointed by the Governor in Council.

**15 Duration of appointment**

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

**16 Conditions of appointment**

A trustee holds office on the conditions decided by the Governor in Council.

**17 Chairperson**

The Minister must nominate 1 of the trustees as chairperson of the Board.

**18 Termination of appointment**

(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 engages in misconduct or neglect of duty; or
- (c) if the trustee contravenes this Act without reasonable excuse; or
- (d) if the trustee cannot perform the functions of office because of physical or mental incapacity; or
- (e) if the trustee becomes bankrupt, applies to take the benefit of a law for the relief of bankrupt or insolvent debtors, compounds with the trustee's creditors or transfers the trustee's remuneration for the creditor's 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***

### **19 Conduct of business**

The Board may conduct its business (including its meetings) in the way it considers appropriate.

### **20 Disclosure of interests by trustees**

(1) If—

- (a) a trustee has a direct or indirect financial interest in an issue 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 considering the issue;

the trustee must disclose the nature of the interest at a meeting of the Board as soon as practicable after the trustee becomes aware of the possible conflict of interest.

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

- (a) be present when the Board considers the issue; or
- (b) take part in any decision of the Board on the issue.

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

- (a) be present when the Board is considering whether or not the trustee should be present when the Board considers the issue; or

(b) take part in a decision by the Board under subsection (2).

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

## **21 Departmental officer to attend Board meetings**

(1) The Minister may nominate an officer of the department to attend Board meetings.

(2) The Board must give the officer notice of each Board meeting—

(a) for an ordinary meeting—5 business days before the meeting;  
and

(b) for another meeting—2 business days before the meeting.

(3) The officer may take part in Board meetings but must not take part in a decision of the Board.

## ***Division 5—Miscellaneous***

## **22 The Trust's seal**

(1) The Trust's seal must be kept in the custody of the person the Board directs.

(2) The seal may be used only as authorised by the Board.

(3) 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.

## **23 Judicial notice of certain signatures**

Judicial notice must be taken of—

(a) the official signature of a person who is or has been the chairperson; and

(b) the fact the person holds or has held the office of chairperson.

## **24 Authentication of documents**

(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 and signed by the chairperson or a person authorised by the Trust.

# **PART 3—TRUST PROPERTY**

## **25 Trust property**

(1) The Trust property, including the Trust land described in the Schedule, is held on trust for sporting and recreation purposes.

(2) However, the Trust may use the land for a purpose not mentioned in subsection (1) with the Minister's written approval.

(3) The Trust land is a public place within the meaning of an Act—

- (a) conferring or imposing on police officers powers or duties about public places; or
- (b) providing for the punishment of offences committed in public places.

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

## **26 Restriction on Trust's power to sell land**

(1) Despite section 10, 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).

(3) If an estate in fee simple in the Trust land is sold—

- (a) the land is no longer subject to the trusts imposed under this Act; and

- (b) the Registrar of Titles must make an appropriate record in the freehold land register.

## **PART 4—MISCELLANEOUS**

### **27 Register**

(1) The Board must keep a register called the Lang Park Trust, Register of Trustees.

(2) The register may be kept in the form the Board consider appropriate but must be kept in the custody of the person the Board directs.

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

### **28 Regulations**

The Governor in Council may make regulations under this Act.

## **PART 5—TRANSITIONAL**

### **29 Secretary**

The person who immediately before the commencement of this Act was Secretary of the Trust continues to hold office on the same conditions that applied immediately before the commencement.

**SCHEDULE****DESCRIPTION OF TRUST LAND**

section 25

**1.** The land described as Lot 354 on RP 227068 in the County of Stanley, Parish of North Brisbane, City of Brisbane.

**2.** The land described as Lot 1163 on Plan SL 7066 County of Stanley, Parish of Enoggera.

**3.** The land described as Lot 3 on SL 11076 in the County of Stanley, Parish of North Brisbane.

**4.** The land described as Lot 4 on SL 11076 in the County of Stanley, Parish of North Brisbane.

**5.** The land described as Lot 5 on SL 11076 in the County of Stanley, Parish of North Brisbane.

## ENDNOTES

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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 27 July 2001. Future amendments of the Lang Park Trust Act 1994 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

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	prev	= previous
amd	= amended	(prev)	= previously
amdt	= amendment	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
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 1992
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered

## 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	4 November 1994
1A	to Act No. 54 of 1996	20 November 1997

## 5 List of legislation

### **Lang Park Act 1994 No. 46**

date of assent 14 September 1994

ss 1–2 commenced on date of assent

remaining provisions commenced 28 October 1994 (1994 SL No. 377)

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)

### **amd by Corporations (Ancillary Provisions) Act 2001 No. 45 ss 1–2, 29 sch 3**

date of assent 28 June 2001

ss 1–2 commenced on date of assent

sch 3 commenced 15 July 2001 (see s 2(2) of Act 2001 No. 45 (Qld) and Corporations Act 2001 No. 50 (Cwlth) and proc pubd Cwlth of Australia gaz 13 July 2001, No. S285)

remaining provision commenced immediately before 15 July 2001 (see s 2(1) of Act 2001 No. 45 (Qld) and Corporations Act 2001 No. 50 (Cwlth) and proc pubd Cwlth of Australia gaz 13 July 2001, No. S285)

## 6 List of annotations

### **PART 5—TRANSITIONAL**

**pt hdg** amd R1 (see RA s 39)

### **Trust is a body corporate etc.**

**s 5** amd 1996 No. 54 s 9 sch

### **Trust is an exempt public authority under Corporations Law**

**s 7** om 2001 No. 45 s 29 sch 3

**Effect of passing of this Act**

**s 30** exp 28 October 1994 (see s 30(4))  
AIA s 20A applies (see s 30(5))  
om R1 (see RA s 37)

**Redevelopment of site**

**s 31** exp 1 July 1995 (see s 31(5))

**Acts repealed**

**s 32** om R1 (see RA s 40)