

Queensland



LANG PARK TRUST ACT 1994

Act No. 46 of 1994

Queensland



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DESCRIPTION OF TRUST LAND

Queensland



Lang Park Trust Act 1994

Act No. 46 of 1994

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

[Assented to 14 September 1994]

The Parliament of Queensland enacts—

PART 1—PRELIMINARY

Short title

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

Commencement

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

Definitions

3. In this Act—

“**Board**” means the Board of Trustees.¹

“**Trust**” means the Lang Park Trust.²

PART 2—THE TRUST AND ITS BOARD

Division 1—Establishment, functions and powers of the Trust

Establishment of Trust

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

¹ See section 12.

² See section 4.

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

Trust does not represent State**6.** The Trust does not represent the State.**Trust is an exempt public authority under Corporations Law****7.** The Trust is an exempt public authority under the Corporations Law.**Trust's functions****8.** 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.

Management of Trust**9.(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.

Trust's powers

10.(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

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

Composition of Board

13. The Board consists of 4 trustees.

Division 3—Provisions about trustees

Appointment

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

Duration of appointment

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

Conditions of appointment

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

Chairperson

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

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 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

Conduct of business

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

Disclosure of interests by trustees

20.(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.

Departmental officer to attend Board meetings

21.(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

The Trust's seal

22.(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.

Judicial notice of certain signatures

23. 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.

Authentication of documents

24.(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**Trust property**

25.(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.

Restriction on Trust's power to sell land

26.(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

Register

27.(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.

Regulations

28. The Governor in Council may make regulations under this Act.

PART 5—REPEALS AND TRANSITIONAL

Secretary

29. 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.

Effect of passing of this Act

30.(1) All the assets and liabilities of the Trust immediately before the commencement of this Act continue to be the assets and liabilities of the Trust.

(2) This Act does not affect—

- (a) any membership rights a person had to Lang Park immediately before the commencement; and
- (b) any interest (other than as a beneficiary of the Trust) a person had in the property of the Trust immediately before the commencement.

(3) This section is enacted to remove any doubt.

(4) This section expires on the day it commences.

(5) This section is a law to which section 20A of the *Acts Interpretation Act 1954* applies.

Redevelopment of site

31.(1) In this section—

“**planning scheme**” means the planning scheme for the City of Brisbane, in force for the time being, under the *Local Government (Planning and Environment) Act 1990*.

“**site**” means the land described as Lot 354 on RP 227068 in the County of Stanley, Parish of North Brisbane, City of Brisbane.

(2) Despite any other Act, the planning scheme does not apply to the site.

(3) The Trust is taken to be a statutory body declared under section 4(5)(a)(iii) (Crown to be bound) of the *Building Act 1975*.

(4) To remove any doubt, the redevelopment of the site is not unlawful only because of the absence of an approval by the Brisbane City Council.

(5) This section expires on 1 July 1995.

Acts repealed

32. The following Acts are repealed—

- Lang Park Trust Act 1962 No. 21
- Lang Park Trust Act Amendment Act 1981 No. 58
- Lang Park Trust Act Amendment Act 1986 No. 2

- Lang Park Trust Act Amendment Act 1988 No. 104
- Lang Park Trust Amendment Act 1993 No. 58.

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.