

PARRAMATTA STADIUM TRUST BILL 1988

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The objects of this Bill are to repeal the Cumberland Oval Act 1981 and to replace it with an Act which will—

- (a) provide for the constitution of the Parramatta Stadium Trust and vest the land presently known as Cumberland Oval in the Trust; and
- (b) set out the powers and functions of the Trust with respect to the management of that land; and
- (c) allow the Minister to terminate the Sydney Cricket and Sports Ground Trust's current lease of that land when the new Trust is ready to take control of the land; and
- (d) provide for the payment of compensation to the Sydney Cricket and Sports Ground Trust because of termination of the lease.

PART 1—PRELIMINARY

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

Clause 3 defines certain expressions used in the proposed Act.

PART 2—THE PARRAMATTA STADIUM TRUST

Clause 4 constitutes a corporation with the name of the Parramatta Stadium Trust. The Trust will consist of 7 members appointed by the Governor on the recommendation of the Minister. Effect is given to proposed Schedule 1 (Provisions Relating to the Trustees) and Schedule 2 (Meetings and Procedure of the Trust).

Clause 5 sets out the principal objects and functions of the Trust. These include caring for, controlling and managing trust land, providing a sporting arena suitable for football matches and permitting the use of trust land for other kinds of activities.

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Clause 6 gives the Trust certain powers. The Trust will have power to do all things necessary and convenient to be done in connection with or incidental to attaining or carrying out its objects. A list of more specific powers is set out in the clause.

Clause 7 gives the Trust power to establish committees.

Clause 8 enables the Trust to employ necessary staff. The staff will not be employed under the Public Sector Management Act 1988.

Clause 9 allows the Trust and the Chairperson of the Trust to delegate functions.

Clause 10 requires the Trust to establish a Trust Account in a bank in New South Wales and to pay all money received by the Trust into the account. The funds of the Trust are to be applied only in paying expenses incurred by the Trust in exercising its functions.

Clause 11 states that the financial year of the Trust ends on 30 June but may be changed by the Treasurer under the Public Finance and Audit Act 1983.

Clause 12 requires the Trust to present a budget each year to the Minister for approval. The Trust may incur only expenditure provided for in an approved budget.

Clause 13 enables the Trust to obtain financial accommodation and invest money in accordance with the Public Authorities (Financial Arrangements) Act 1987.

PART 3—PROVISIONS RELATING TO TRUST PROPERTY

Clause 14 vests the land currently known as Cumberland Oval and associated land in the Trust for an estate in fee simple, subject to any interests already affecting the land.

Clause 15 allows the Trust to grant leases and licences of and easements over trust land, but only with the approval of the Minister.

Clause 16 enables the Trust, with the approval of the Minister, to sell or mortgage land acquired by the Trust (not being land vested in the Trust by clause 14), but only after public comment has been sought. The Trust may also, with the approval of the Minister, divest itself of part of the trust land for limited purposes.

Clause 17 sets out the procedure which the Trust must follow if it resolves to dispose of or deal with property which is held by the Trust subject to a condition.

PART 4—MISCELLANEOUS

Clause 18 enables a plan of management prepared under the Crown Lands Consolidation Act to make provision for facilitating the lawful use of trust land.

Clause 19 allows the Trust or an officer or employee of the Trust to call in the aid of the police to remove a person breaching the by-laws regulating use of the trust land or causing disturbance to people using the trust land.

Clause 20 enables the Minister or an authorised person to enter any part of the trust land and inspect it. The maximum penalty for obstructing a person exercising that power is 5 penalty units (currently \$500).

Clause 21 empowers the Trust to make by-laws, which are required to be approved by the Governor-in-Council, on matters such as the management of and the preservation of order on the trust land. The by-laws may create an offence punishable by a penalty not exceeding 5 penalty units (currently \$500).

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Clause 22 provides for proceedings for offences against the proposed Act and by-laws to be disposed of summarily by a Local Court.

Clause 23 repeals the Cumberland Oval Act 1981 and the Cumberland Oval By-law 1987.

Clause 24 gives effect to Schedule 3 which contains savings and transitional provisions.

Clause 25 amends Schedule 2 (Statutory Bodies) of the Public Finance and Audit Act 1983 to bring the Trust under the auditing and finance provisions of that Act relating to statutory bodies.

SCHEDULE 1—PROVISIONS RELATING TO THE TRUSTEES

Schedule 1 states who is eligible for appointment as a trustee, enables deputies to be appointed when vacancies arise and provides that the term of office of a trustee is to be no more than 4 years (re-appointment being permissible). Other provisions deal with allowances, removal from office of and vacation of office by trustees, the appointment of a Chairperson and Deputy Chairperson and disclosures of pecuniary interests by trustees.

SCHEDULE 2—MEETINGS AND PROCEDURE OF THE TRUST

Schedule 2 deals with procedure at meetings of the Trust, including voting, the taking of minutes of meetings and who shall preside.

SCHEDULE 3—SAVINGS AND TRANSITIONAL PROVISIONS

Schedule 3 enables the Minister to terminate, by notification in the Gazette, the existing lease which the Sydney Cricket and Sports Ground Trust has over Cumberland Oval.

Provision is made for a compensation committee (comprised of the Chairman of the Sydney Cricket and Sports Ground Trust, the Chairperson of the Parramatta Stadium Trust and an officer of the Department of Sport, Recreation and Racing) to make recommendations to the Minister on the amount of compensation to be paid for termination of the lease. The lease cannot be terminated until the Minister determines the amount of compensation to be paid and is satisfied that arrangements have been made for payment of that amount by the Parramatta Stadium Trust.

Persons currently employed by the Sydney Cricket and Sports Ground Trust to work full-time at Cumberland Oval will be entitled to become employees of the Parramatta Stadium Trust on their current terms and conditions of employment.

Contracts, agreements and undertakings entered into by the Sydney Cricket and Sports Ground Trust in connection with the trust land become contracts, agreements and undertakings with the Parramatta Stadium Trust.

Regulations of a savings and transitional nature may be made by the Governor-in-Council, but not so as to override any of the provisions in the Schedule.
