

**SYDNEY CRICKET AND SPORTS GROUND
ACT, 1978, No. 72**

New South Wales



ANNO VICESIMO SEPTIMO

ELIZABETHÆ II REGINÆ

Act No. 72, 1978.

An Act to constitute the Sydney Cricket and Sports Ground Trust; to provide for the dedication of certain lands for public recreation; to appoint the Trust as trustee of those lands and to charge the Trust with the care, control and management thereof; to confer and impose on the Trust certain responsibilities, powers, authorities, duties and functions in relation to those and other lands;

Sydney Cricket and Sports Ground.

and to repeal the Sydney Sports Ground and Sydney Cricket Ground Amalgamation Act, 1951, and certain other enactments. [Assented to, 12th April, 1978.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

PART I.

PRELIMINARY.

Short title. 1. This Act may be cited as the "Sydney Cricket and Sports Ground Act, 1978".

**Commence-
ment.** 2. (1) This section and sections 1 and 32 (2) shall commence on the date of assent to this Act.

(2) Except as provided in subsection (1), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

**Division
of Act.**

3. This Act is divided as follows :—

PART I.—PRELIMINARY—ss. 1-4.

PART II.—CONSTITUTION OF THE TRUST—ss. 5-7.

PART III.—THE SYDNEY CRICKET GROUND AND THE SYDNEY SPORTS GROUND—ss. 8-12.

Sydney Cricket and Sports Ground.

PART IV.—FUNCTIONS OF THE TRUST—*ss.* 13–19.

PART V.—FINANCE—*ss.* 20–24.

PART VI.—MISCELLANEOUS—*ss.* 25–32.

SCHEDULE 1.—PROVISIONS RELATING TO CONSTITUTION AND PROCEDURE OF THE TRUST.

SCHEDULE 2.—DESCRIPTION OF LANDS.

SCHEDULE 3.—REPEALS.

SCHEDULE 4.—SAVINGS AND TRANSITIONAL PROVISIONS.

4. In this Act, except in so far as the context or subject-matter otherwise indicates or requires— **Interpretation.**

“additional lands” means lands (other than scheduled lands) acquired by the Trust;

“by-law” means a by-law made under this Act;

“commencement day” means the day appointed and notified under section 2 (2);

“functions” includes responsibilities, powers, authorities and duties;

“member” means a member of the Trust;

“scheduled lands” means—

(a) the land described in Part 1 of Schedule 2; and

(b) on and from the day appointed and notified under section 9—the land described in Part 2 of Schedule 2;

“Secretary” means the Secretary of the Trust appointed under section 28;

Sydney Cricket and Sports Ground.

“Trust” means the Sydney Cricket and Sports Ground Trust constituted by this Act;

“trust lands” means the scheduled lands and the additional lands of the Trust.

PART II.

CONSTITUTION OF THE TRUST.

Constitu-
tion of
Trust.

5. (1) There is hereby constituted a corporation under the corporate name of the “Sydney Cricket and Sports Ground Trust”.

(2) **The Trust—**

- (a) shall have and may exercise and perform the functions conferred or imposed on it by or under this or any other Act or law; and
- (b) shall, in the exercise or performance of its functions under this Act, be subject to the control and direction of the Minister.

Members
of the
Trust.

6. (1) The Trust shall consist of—

- (a) 10 members appointed by the Governor; and
- (b) on and from the operative day as defined in subsection (4)—an additional 2 members so appointed.

(2) The 2 persons to be appointed under subsection (1) (b) shall be persons elected by the members of the Sydney Cricket Ground (other than junior and honorary members) from among their number in accordance with the by-laws.

Sydney Cricket and Sports Ground.

(3) If 2 persons are not elected as provided by subsection (2) and the period within which they are required to be elected has expired, the Governor may appoint 2 persons selected by the Minister to be members of the Trust, and the persons so selected shall, on being appointed, be deemed to be persons elected as provided by subsection (2).

(4) For the purposes of subsection (1), "the operative day" means—

- (a) the day that is the first anniversary of the commencement day; or
- (b) such earlier day as may be appointed by the Governor for the purposes of this subsection and notified by proclamation published in the Gazette.

7. Schedule 1 has effect.

Provisions relating to constitution and procedure of Trust.

PART III.

THE SYDNEY CRICKET GROUND AND THE SYDNEY SPORTS GROUND.

8. The land described in Part 1 of Schedule 2 shall be deemed to be Crown land dedicated under the Crown Lands Consolidation Act, 1913, for public recreation and (without affecting section 10) that Act, with the exception of Divisions 2 and 4 of Part IIIB thereof, shall apply to and in respect of that land.

Continuation of dedication of land in Part 1 of Schedule 2. cf. No. 32, 1951, s. 2 (3).

Sydney Cricket and Sports Ground.

Vesting and
dedication
of land in
Part 2 of
Schedule 2.
cf. No. 15,
1959, s. 2
(1) (a).

9. On and from a day to be appointed by the Governor for the purposes of this section and notified by proclamation published in the Gazette—

- (a) the land described in Part 2 of Schedule 2 is vested in Her Majesty freed and discharged from any trusts, estates, interests, dedications, conditions, restrictions, covenants and provisions affecting that land or any part thereof; and
- (b) that land shall be deemed to be Crown land dedicated under the Crown Lands Consolidation Act, 1913, for public recreation, and (without affecting section 10) that Act, with the exception of Divisions 2 and 4 of Part IIIB thereof, shall apply to and in respect of that land.

Revocation
of
dedication.

10. Notwithstanding anything in this Part or the Crown Lands Consolidation Act, 1913, but subject to section 37QQ of that Act, a dedication referred to in section 8 or 9 shall not be revoked except by an Act of Parliament.

Appoint-
ment of
Trust as
trustee.

11. The Trust shall be sole trustee of the scheduled lands, and shall be deemed to have been appointed as such under section 37P of the Crown Lands Consolidation Act, 1913.

Estate of
Trust in,
and dealings
with,
scheduled
lands.
cf. No. 7,
1913, s. 37x.

12. (1) Except to the extent that the Trust has an estate in fee simple in the scheduled lands apart from this section, the Trust shall, for the purposes only of this Act, and of any by-law, and of Division 3 of Part IIIB of the Crown Lands Consolidation Act, 1913, be deemed to have an estate in fee simple in the scheduled lands.

(2) The Trust is not capable of alienating, charging, granting leases of, or licences in respect of, or in any way disposing of, the scheduled lands or any part of the scheduled lands except in accordance with Division 3 of Part IIIB of the Crown Lands Consolidation Act, 1913.

Sydney Cricket and Sports Ground.

(3) For the purposes of section 37RR (1) (a) of the Crown Lands Consolidation Act, 1913, the prescribed purposes include, in relation to the scheduled lands, the purposes referred to in section 14.

(4) A reference in Division 3 of Part IIIB of the Crown Lands Consolidation Act, 1913, to the Minister (being the Minister administering that Division) shall, in relation to the scheduled lands, be construed as a reference to the Minister for Sport and Recreation.

(5) The Trust shall, in the exercise or performance of its functions in relation to the grant of licences under section 37RR (1) (a) of the Crown Lands Consolidation Act, 1913, be subject to the control and direction of the Minister.

PART IV.

FUNCTIONS OF THE TRUST.

13. The Trust is charged with the care, control and management of the scheduled lands.

Trust charged with care, control and management.
cf. No. 7, 1913, s. 37R.

14. The Trust may allow the scheduled lands, or any part thereof, to be used by such persons, clubs, associations, leagues or unions at such times and on such terms and conditions as the Trust may think fit and proper for or in connection with cricket, football or tennis or any other game, or for or in connection with athletic sports or public amusement, or for or in connection with any other purpose whatever which the Minister may approve.

Trust may authorise use of scheduled lands.
cf. No. 32 1951, s. 4.

Sydney Cricket and Sports Ground.

Additional
lands.
cf. No. 7,
1913, s. 37Y
(a) (b);
No. 32,
1951, s. 6.

15. (1) The Trust may, but only with the approval of the Minister, acquire any land (whether or not adjoining the scheduled lands) required by it in connection with the scheduled lands.

(2) The Trust may, but only with the approval of the Minister, exchange, dispose of or otherwise deal with any of its additional lands.

(3) The Trust may expend trust money in using or improving any of its additional lands.

(4) The additional lands of the Trust may be used for purposes that are the same as or connected with any of the purposes for which the scheduled lands may be used.

Carrying
out of
works on
trust lands.
cf. No. 32,
1951, s. 5.

16. (1) The Trust may carry out any work in connection with the improvement, development and maintenance of the trust lands or for making the trust lands suitable for the purposes referred to in sections 14 and 15, and any such work may include—

- (a) the redesigning of the areas used for any of those purposes;
- (b) the construction, reconstruction or demolition of any building or structure on the trust lands; and
- (c) the provision of stands and other accommodation for spectators and other persons frequenting the trust lands.

(2) For the purpose of enabling any work to be carried out pursuant to subsection (1) in relation to the scheduled lands, the Minister may, after a report has been

Sydney Cricket and Sports Ground.

made to him by the Trust, by notice in writing to the parties to any agreement, lease or licence relating to the scheduled lands, or any part thereof, determine—

- (a) that the agreement, lease or licence, or any terms or conditions thereof, shall, as from such date as he may specify in the notice, cease to be binding on the parties or any party to the agreement, lease or licence; or
 - (b) that the agreement, lease or licence shall, as from such date as he may specify in the notice, be varied or modified to the extent he deems equitable.
- (3) As from the date specified in a notice under subsection (2), the agreement, lease or licence to which the notice relates shall terminate or have effect subject to the tenor of the notice.

17. (1) The Trust may, with the approval of the Minister and the consent of the owner, expend trust money in connection with the improvement of any land, where in its opinion that expenditure is desirable to provide or improve access to any of the trust lands, or to provide or improve facilities or amenities for persons visiting any of the trust lands.

Carrying
out of
works
outside
trust
lands.
cf. No. 7,
1913, s. 37Y
(c);
No. 32,
1951, s. 6A.

(2) Without limiting the generality of subsection (1), the Trust may expend trust money for or in connection with the deviation of Driver Avenue or the provision or rearrangement of any water, sewerage, drainage or electricity service or other public utility service preparatory to or consequent upon the land described in Part 2 of Schedule 2 becoming part of the scheduled lands within the meaning of this Act.

Sydney Cricket and Sports Ground.

Power to
accept
gifts, etc.,
of property.

18. (1) The Trust may acquire by gift, bequest or devise any property for any of the purposes of this Act and may agree to and carry out the conditions of the gift, bequest or devise.

(2) The rule of law relating to remoteness of vesting does not apply to any condition of a gift, bequest or devise to which the Trust has agreed.

Indemnity.

19. (1) Without affecting any other functions of the Trust, the Trust may, but only with the approval of the Minister and the concurrence of the Treasurer, indemnify a person with respect to the amount of any duty or tax payable in respect of or in connection with—

- (a) a gift, bequest or devise to the Trust or the property that is the subject of such a gift, bequest or devise; or
- (b) that gift, bequest or devise or property, together with any other things,

but not exceeding the amount by which the duty or tax payable by that person at the time the liability to pay the duty or tax arises would have been reduced if that property had never existed.

(2) A reference in this section to—

- (a) indemnifying a person includes a reference to agreeing or undertaking to indemnify a person;
- (b) a person includes a reference to his estate or his personal representatives;
- (c) a duty or tax is a reference to a duty or tax under the law of the State or any other law; and

Sydney Cricket and Sports Ground.

- (d) a gift, bequest or devise to the Trust includes a reference to a proposed gift, bequest or devise to the Trust.

PART V.

FINANCE.

20. (1) The Trust shall cause to be kept proper accounts ^{Accounts.} and records in relation to all of its operations.

(2) The Trust shall, as soon as practicable, but within 6 months, after the end of each financial year of the Trust, prepare and submit to the Minister for presentation to Parliament a statement of accounts, together with the Auditor-General's certificate given under this section in relation to the statement.

(3) The statement of accounts shall be in a form approved by the Auditor-General, and shall include such information as is requested by him, and shall exhibit a true and fair view of the financial position and transactions of the Trust.

(4) The Trust shall, as soon as practicable, but within 4 months, after the end of the financial year to which a statement of accounts relates, transmit the statement to the Auditor-General for verification and certification.

(5) The Auditor-General's certificate shall state that he has audited the accounts of the Trust relating to the relevant financial year, and shall indicate whether the statement of accounts complies with subsection (3), and shall set forth any qualifications subject to which the certificate is given.

Sydney Cricket and Sports Ground.

(6) Nothing in this section prevents the alteration of the statement of accounts, with the approval of the Auditor-General, after its receipt by him and before its submission to the Minister.

(7) The Minister shall lay the statement of accounts, or cause it to be laid, together with the Auditor-General's certificate, before both Houses of Parliament as soon as practicable after the receipt by him of the statement.

(8) The financial year of the Trust shall be the year ending on the last day of February.

Audit.

21. (1) The accounts and records of financial transactions of the Trust, and the records relating to assets of or in the custody of the Trust, shall be inspected and audited by the Auditor-General.

(2) For the purposes of any such inspection and audit, the Auditor-General or a person authorised by him is entitled at all reasonable times to full and free access to the accounts, records, documents and papers of the Trust and may make copies thereof or take extracts therefrom.

(3) The Auditor-General or a person authorised by him may require a person, being a member, officer or employee of the Trust, to furnish him with such information in the possession of the person or to which the person has access as the Auditor-General or authorised person considers necessary for the purposes of the functions of the Auditor-General under this Act, and the person shall comply with the requirement.

Penalty : \$200.

(4) The Auditor-General may dispense with all or any part of the detailed inspection and audit of any accounts or records referred to in subsection (1).

Sydney Cricket and Sports Ground.

(5) The Auditor-General shall report to the Trust and the Minister on the result of any such inspection and audit, and as to such irregularities or other matters as in his judgment call for special notice.

(6) Towards defraying the costs and expenses of any such inspection and audit, the Trust shall pay to the Consolidated Revenue Fund such amounts, at such times, as the Treasurer decides.

22. The Trust may invest money held by it in Government securities of the Commonwealth or of the State or in any securities guaranteed by the Government of the State, or on call or on fixed deposit, or partly on call and partly on fixed deposit, with the Treasurer or with any bank or in such other securities as the Governor approves or as are prescribed. Investment.

23. (1) For the temporary accommodation of the Trust, it may obtain advances by overdraft of current account in any bank or banks upon the credit of the Trust's funds to such extent as may, from time to time, be approved by the Governor. Temporary accommodation.

(2) The Treasurer may advance such money to the Trust, on such terms and conditions as to repayment and interest, as may be agreed upon.

24. (1) The Trust may from time to time, with the approval of the Minister and the concurrence of the Treasurer, borrow money for— Borrowing. cf. No. 32, 1951, s. 7A.

(a) the purpose of exercising or performing any of its functions;

Sydney Cricket and Sports Ground.

- (b) the renewal of loans;
- (c) the discharge or partial discharge of any loan or any indebtedness to the Treasurer or to any bank;
or
- (d) any other purpose of this Act.

(2) Security for the payment of any money borrowed pursuant to subsection (1) may be given over investments made by the Trust.

(3) The powers conferred by subsections (1) and (2) are in addition to, and do not derogate from, any other power conferred by or under this or any other Act on the Trust.

PART VI.

MISCELLANEOUS.

Annual
report.

25. (1) The Trust shall, as soon as practicable after the last day of February, and in any case on or before 31st August, in each year prepare and forward to the Minister a report of its work and activities for the 12 months preceding that last day of February.

(2) The Minister shall lay the report, or cause it to be laid, before each House of Parliament as soon as practicable after the receipt by him of the report.

Power of
Minister
to enter
trust
lands.
cf. No. 7,
1912,
s. 37cc.

26. (1) The Minister, or any person authorised by him for the purpose, may enter the trust lands at any time and may inspect those lands.

Sydney Cricket and Sports Ground.

(2) A person who obstructs the Minister, or a person authorised by him, in the exercise of his power under this section is guilty of an offence and liable to a penalty not exceeding \$100.

27. The Trust, or any officer appointed by the Trust, may call in the aid of the police for the removal, by force if necessary, of any person who is found committing a breach of any by-law, or who by disorderly or insulting conduct on the trust lands or on any public place causes annoyance or inconvenience to persons on the trust lands or going to or coming from the trust lands. Aid of police may be called in. cf. No. 7, 1913, s. 37DD.

28. (1) The Trust shall appoint a Secretary who shall keep records of all meetings of the Trust and perform such other duties as the Trust may direct. Secretary and staff.

(2) The Trust may appoint such other officers and employees as may be necessary to enable the Trust to exercise and perform its functions.

29. (1) The Governor may make by-laws, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act and, in particular, for or with respect to— By-laws. cf. No. 7, 1913, s. 37H; No. 32, 1951, s. 8.

- (a) the care, control and management of the trust lands;
- (b) the use of the trust lands or any part thereof, and the regulation of the use and enjoyment of the trust lands or any part thereof;

Sydney Cricket and Sports Ground.

- (c) the admission of persons, clubs or associations to the trust lands, or any part thereof, including the determination of entrance charges and the collecting and receiving of any such charges;
- (d) the regulation or prohibition of the entry of persons on the trust lands, or any part thereof, without the authority of the Trust;
- (e) the admission to membership of the trust lands, or any part thereof, including the determination of membership fees or subscriptions;
- (f) the protection of any fence, gate, building, structure, machinery or equipment or other property vested in, or under the control of, the Trust and wholly or partly on the trust lands;
- (g) the preservation or protection of, or prevention of damage to, trees, shrubs, ferns, creepers, vines, palms, plants, flowers, herbage, lawn, turf, grass or other vegetative cover on the trust lands;
- (h) the securing of decency and order upon the trust lands;
- (i) the removal of trespassers and other persons causing annoyance or inconvenience upon the trust lands or any part thereof;
- (j) the regulation or prevention of the taking of intoxicants on to, and the consuming thereof upon, the trust lands or any part thereof;
- (k) the regulation and control of the taking of animals on to the trust lands, or any part thereof, or the permitting or suffering of animals to be on the trust lands or any part thereof;
- (l) the regulation, control or prohibition of parking, camping or residing on the trust lands, or any part thereof, the making of charges for any such parking, camping or residing, and the collecting and receiving of any such charges;

Sydney Cricket and Sports Ground.

- (m) the reservation of any portion of the trust lands for such separate or exclusive uses as the by-laws may prescribe;
- (n) the closing of the trust lands, or any part thereof, and the conditions to be observed with regard thereto;
- (o) the regulation, control or prohibition of private trading upon the trust lands or any part thereof;
- (p) the appointment and removal of rangers in respect of the trust lands and the defining of their powers and duties;
- (q) the regulation of meetings of the Trust and the conduct of business thereat; and
- (r) the election of persons pursuant to section 6 (2).

(2) A provision of a by-law may—

- (a) apply generally or be limited in its application by reference to specified exceptions or factors; or
- (b) apply differently according to different factors of a specified kind,

or may do any combination of those things.

(3) A by-law may impose a penalty not exceeding \$100 for any breach thereof.

(4) Any penalty imposed for a breach of a by-law shall be paid to the Trust to be used by it for the purposes of this Act.

(5) The Trust shall cause a copy of any by-law applicable to any of the trust lands to be posted in some conspicuous place on the lands to which it relates.

Sydney Cricket and Sports Ground.

Recovery
of
penalties.

30. Any penalty imposed by this Act or the by-laws may be recovered in a summary manner before a court of petty sessions constituted by a stipendiary magistrate.

Repeals.

31. Each Act specified in Column 1 of Schedule 3 is, to the extent specified opposite that Act in Column 2 of that Schedule, repealed.

Savings and
transitional
provisions.

32. (1) Schedule 4 has effect.

(2) For the purpose only of enabling the Trust to be constituted on or after (but not before) the commencement day in accordance with this Act, elections may be held, and appointments may be made, and any other act, matter or thing may be done, before that day as if the whole of this Act commenced on the date of assent to this Act.

Sec. 7.

SCHEDULE 1.

PROVISIONS RELATING TO CONSTITUTION AND PROCEDURE
OF THE TRUST.

Age of
member.

1. A person who is of or above the age of 70 years shall not be appointed as a member.

Term of
office.

2. (1) A member shall, subject to this Act, be appointed to hold office for a term of 4 years.

(2) Notwithstanding subclause (1) of this clause, 6 of the 10 persons first appointed as members under section 6 (1) (a) shall, in and by the instruments of their appointment, be appointed to hold office in their first term for 2 years only.

Sydney Cricket and Sports Ground.

SCHEDULE 1—*continued.*PROVISIONS RELATING TO CONSTITUTION AND PROCEDURE
OF THE TRUST—*continued.*

(3) Notwithstanding subclause (1) of this clause, the persons first appointed as members under section 6 (1) (b) shall be appointed to hold office in their first term for so much of the period of 4 years ending on the third anniversary of the commencement day as remains after their respective appointments.

(4) A member shall, if otherwise qualified, be eligible for re-appointment from time to time for a term of 4 years.

3. Each member is entitled to be paid, out of the funds of the Trust, such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of him. Remuneration of and allowances for members.

4. The provisions of the Public Service Act, 1902, do not apply or in respect of the appointment of a member and a member is not, in his capacity as member, subject to the provisions of that Act during his term of office. Public Service Act, 1902, not to apply.

5. The office of a member shall, for the purposes of any Act, be deemed not to be an office or place of profit under the Crown. Office of member not to be office of profit under the Crown.

6. (1) A member shall be deemed to have vacated his office— Vacation of office.
- (a) if he dies;
 - (b) upon his attaining the age of 70 years;
 - (c) if he becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration, allowances or estate for their benefit;
 - (d) if he is absent from 3 consecutive ordinary meetings of the Trust of which reasonable notice has been given to him, either personally or in the ordinary course of post, unless on leave granted by the Trust or unless, before the expiration of 4 weeks after the last of those meetings, he is excused by the Trust for his absence from those meetings;

Sydney Cricket and Sports Ground.

SCHEDULE 1—*continued.*PROVISIONS RELATING TO CONSTITUTION AND PROCEDURE
OF THE TRUST—*continued.*

- (e) if he becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act;
- (f) if he is convicted in New South Wales of a felony or misdemeanour which is punishable by imprisonment for 12 months or upwards, or if he is convicted elsewhere than in New South Wales of an offence which if committed in New South Wales would be a felony or misdemeanour so punishable;
- (g) if he resigns his office by writing under his hand addressed to the Governor and the Governor accepts the resignation;
- (h) if he is removed from office by the Governor under sub-clause (2) of this clause;
- (i) if he ceases to reside in the State; or
- (j) if, in the case of a member elected pursuant to section 6 (2) but not deemed by section 6 (3) or clause 7 (2) to be so elected, he ceases to be a member of the Sydney Cricket Ground.

(2) The Governor may, for any cause which to him seems sufficient, remove a member from office.

Filling of
casual
vacancies.

7. (1) On the occurrence of a vacancy in the office of a member, otherwise than by the expiration of his term of office, the Governor may appoint a person to the vacant office for the balance of his predecessor's term of office, so that the Trust is constituted in accordance with section 6.

(2) Notwithstanding anything in this Act, if a vacancy occurs in the office of a member appointed under section 6 (1) (b), otherwise than by the expiration of his term of office, and the vacancy occurs within 6 months before the expiration of the term for which he was appointed, the Governor may appoint a person, selected by the Minister, to the vacant office for the balance of his predecessor's term of office, and the person so selected shall, on being appointed, be deemed to be a person elected as provided by section 6 (2).

Sydney Cricket and Sports Ground.

SCHEDULE 1—*continued.*PROVISIONS RELATING TO CONSTITUTION AND PROCEDURE
OF THE TRUST—*continued.*

8. (1) At the first meeting of the Trust, the members shall elect from among their number a Chairman and a Deputy Chairman to hold office until the next succeeding election of a Chairman and Deputy Chairman pursuant to subclause (2) of this clause. Election of
Chairman
and Deputy
Chairman
of Trust.

(2) After the election of a Chairman and Deputy Chairman pursuant to subclause (1) of this clause, the members of the Trust shall—

(a) at the first meeting of the Trust in the year commencing on 1st January next following that election; and

(b) at the first meeting of the Trust in each succeeding year, elect a Chairman and a Deputy Chairman to hold office until the election of their successors.

(3) Whenever a vacancy occurs in the office of Chairman or Deputy Chairman otherwise than as a result of the election of a Chairman and Deputy Chairman pursuant to subclause (2) of this clause, the members shall elect one of their number to fill the vacancy until the election of his successor pursuant to that subclause.

(4) A person who ceases to be Chairman or Deputy Chairman is, while he remains a member, eligible for re-election as Chairman or Deputy Chairman.

(5) The Chairman or Deputy Chairman may resign as such by writing under his hand addressed to the Secretary.

9. (1) The number of members which shall constitute a quorum at any meeting of the Trust is 7. Quorum.

(2) Notwithstanding subclause (1) of this clause, the number of members which shall constitute a quorum at any meeting of the Trust held before the operative day as defined in section 6 (4) is 6.

10. (1) Any duly convened meeting of the Trust at which a quorum is present shall be competent to transact any business of the Trust. Meetings.

(2) Questions arising at a meeting of the Trust shall be determined by a majority of votes of the members present and voting.

Sydney Cricket and Sports Ground.

SCHEDULE 1—*continued.*

PROVISIONS RELATING TO CONSTITUTION AND PROCEDURE
OF THE TRUST—*continued.*

(3) At a meeting of the Trust—

- (a) the Chairman;
- (b) in the absence of the Chairman—the Deputy Chairman; or
- (c) in the absence of both the Chairman and the Deputy Chairman—a member elected by the members present at the meeting from among their number,

shall preside.

(4) The person presiding at a meeting of the Trust has a deliberative vote and, in the event of an equality of votes, also has a casting vote.

General
procedure.

11. (1) The procedure for the calling of, and for the conduct of business at, meetings of the Trust shall, subject to any procedure that is specified in this Act or prescribed, be as determined by the Trust.

(2) The first meeting of the Trust shall be called in such manner as the Minister directs.

Protection
from
liability.

12. No matter or thing done, and no contract entered into, by the Trust, and no matter or thing done by a member, by the Secretary, or by any person acting under the direction of the Trust, shall, if the matter or thing was done, or the contract was entered into, in good faith for the purposes of executing this Act, subject a member, the Secretary, or a person so acting, personally to any action, liability, claim or demand.

Pecuniary
interest
in contract.

13. (1) A member may have a pecuniary interest, direct or indirect, in a contract or proposed contract with the Trust.

cf. No. 7,
1913, s. 37AA.

(2) Where a member has a pecuniary interest, direct or indirect, in a contract or proposed contract with the Trust, and he is present at a meeting of the Trust at which the contract or proposed contract is the subject of consideration, he shall, at the meeting, as soon as practicable after the commencement thereof, disclose his interest and shall not take part in the consideration or discussion of, or vote on any question with respect to, the contract or proposed contract.

Sydney Cricket and Sports Ground.

SCHEDULE 1—*continued.*

PROVISIONS RELATING TO CONSTITUTION AND PROCEDURE
OF THE TRUST—*continued.*

(3) Subject to subclause (4) of this clause, where it has been disclosed to the Trust, or it has reason to believe, that one of the members has or may have a pecuniary interest, direct or indirect, in a proposed contract with it, it shall not enter into that contract unless—

(a) the Trust has caused to be published in a newspaper circulating in Sydney a notice—

(i) setting out the nature of work or services to be performed, or goods to be supplied, or both, as the case may be, under the contract; and

(ii) inviting persons willing to perform the work or services, or supply the goods, or both, as the case may be, to submit tenders to the Trust on or before a date and time specified in the notice (being not earlier than 21 days after the publication of the notice) and at an address specified in the notice; and

(b) the Trust is satisfied, after considering all the tenders submitted in accordance with the notice, that, having regard to all the circumstances, none of the tenders is more advantageous than that submitted in relation to that contract.

(4) Nothing in subclause (3) of this clause applies in the case of an emergency.

(5) For the purposes of this clause, a person shall be treated as having an indirect pecuniary interest in a contract or proposed contract if—

(a) he or any nominee of his is a member of a company or other body with which the contract is made or is proposed to be made; or

(b) he is a partner, or is in the employment, of a person with whom the contract is made or is proposed to be made,

but a member of a company or other body shall not, by reason only of his membership, be treated as being so interested if he has no beneficial interest in any shares of that company or other body.

Sydney Cricket and Sports Ground.

SCHEDULE 1—*continued.*PROVISIONS RELATING TO CONSTITUTION AND PROCEDURE
OF THE TRUST—*continued.*

(6) Where a member has an indirect pecuniary interest in a contract or proposed contract, and would not be treated as having such an interest but for the fact that he has a beneficial interest in shares of a company or other body, then, if the total nominal value of those shares does not exceed \$1,000 or one-hundredth of the total nominal value of the issued share capital of the company or other body, whichever is the lesser, so much of subclause (2) of this clause as prohibits him from taking part in the consideration or discussion of, or from voting on any question with respect to, the contract or proposed contract shall not apply to him, without prejudice, however, to the duty of disclosure imposed by that subclause.

(7) Where the share capital of the company or other body referred to in subclause (6) of this clause is of more than one class, that subclause shall not apply if the total nominal value of all the shares of any one class in which the member so referred to has a beneficial interest exceeds one-hundredth part of the total issued share capital of that class of the company or other body.

(8) In the case of a married man and his wife who are living together, the interest of one spouse shall, if known to the other, be deemed for the purposes of this clause to be also an interest of the other spouse.

(9) A general notice given in writing by a member to each of the other members, or to the Secretary, to the effect that he or his spouse is a member of or in the employment of a specified company or other body, or that he or his spouse is a partner or in the employment of a specified person, shall, unless and until the notice is withdrawn, be deemed to be a sufficient disclosure of his interest in any contract or proposed contract relating to that company or other body or to that person which may be the subject of consideration after the date of the notice.

(10) The Trust shall cause to be recorded in a book to be kept for the purpose particulars of any disclosure made under subclause (2) of this clause, and of any notice given under subclause (9) of this clause.

Sydney Cricket and Sports Ground.

SCHEDULE 1—*continued.*

PROVISIONS RELATING TO CONSTITUTION AND PROCEDURE
OF THE TRUST—*continued.*

(11) If a person fails to comply with the provisions of subclause (2) of this clause, he shall for each offence be liable to a penalty not exceeding \$200, unless he proves that he did not know that a contract or proposed contract in which he had a pecuniary interest was the subject of consideration at the meeting.

(12) Where a person is convicted of an offence against this clause, he shall be deemed to have vacated his office as a member, unless the court by which he is convicted sees fit in the circumstances of the case to declare that he shall not by virtue of his conviction be deemed to have vacated his office.

(13) The Minister may, subject to such conditions as he may think fit to impose, remove any disability imposed by subclause (2) of this clause in any case in which the number of members so disabled at any one time would be so great a proportion of the whole as to impede the transaction of business, or in any other case in which it appears to the Minister that it is in the public interest that the disability should be removed.

(14) The Trust may by resolution provide for the exclusion of a member from a meeting of the Trust while any contract or proposed contract in which he has an interest, as referred to in this clause, is under consideration.

(15) In this clause, "shares" includes stock, and "share capital" shall be construed accordingly.

Sydney Cricket and Sports Ground.

SCHEDULE 2.

DESCRIPTION OF LANDS.

Secs. 4, 8.

PART 1.

Cricket and Sports Ground. All that piece or parcel of land containing 11.208 ha situate at Paddington in the City of Sydney Parish of Alexandria County of Cumberland and being Portions 1528 and 1530 of that Parish.

Secs. 4, 9.

PART 2.

Driver Avenue (etc.) land. All that piece or parcel of land containing 5851 sq m situate at Paddington in the City of Sydney Parish of Alexandria County of Cumberland and being Portion 1529 of that Parish.

Sydney Cricket and Sports Ground.

SCHEDULE 3.

Sec. 31.

REPEALS.

Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Extent of repeal.
1951, No. 32..	Sydney Sports Ground and Sydney Cricket Ground Amalgamation Act, 1951.	The whole Act.
1955, No. 53..	Public Parks and Reserves Act, 1955.	The unrepealed portion.
1959, No. 15..	Sydney Sports Ground and Sydney Cricket Ground Amalgamation (Amendment) Act, 1959.	The whole Act.
1972, No. 80..	Sydney Sports Ground and Sydney Cricket Ground Amalgamation (Amendment) Act, 1972.	The whole Act, except sections 1 and 3.
1974, No. 37..	Crown Lands and Other Acts (Reserves) Amendment Act, 1974.	Section 13 (1) and (2).
1976, No. 19..	Sydney Sports Ground and Sydney Cricket Ground Amalgamation (Amendment) Act, 1976.	The whole Act.

SCHEDULE 4.

Sec. 32 (1).

SAVINGS AND TRANSITIONAL PROVISIONS.

1. In this Schedule, "former trustees" means the persons who, immediately before the commencement day, held office as trustees of the land described in Part 1 of Schedule 2.

Interpretation:
Sch. 4.

2. The former trustees cease on the commencement day to be trustees of the scheduled lands, or any part thereof, but any former trustee is, if otherwise qualified, eligible to be appointed as a member under section 6.

Sydney Cricket and Sports Ground.

SCHEDULE 4—*continued.*SAVINGS AND TRANSITIONAL PROVISIONS—*continued.*

Transfer
of assets,
debts and
liabilities.
cf. No. 7,
1913,
s. 37vv (2);
No. 32,
1951, s. 3.

3. As from the commencement day—
- (a) the property of the former trustees relating to the care, control and management of the trust lands, including all moneys, books of account, registers, records and all documents and things relating to, or connected with, the operation of the trust lands, shall become the property of the Trust;
 - (b) all moneys and liquidated and unliquidated claims that, immediately before that day, were payable to or recoverable by the former trustees in connection with the care, control and management of the trust lands shall be moneys and liquidated and unliquidated claims payable to or recoverable by the Trust;
 - (c) all proceedings pending immediately before that day at the suit of the former trustees, in connection with the care, control and management of the trust lands, shall be deemed to be proceedings pending at the suit of the Trust and all proceedings so pending at the suit of any person against the former trustees shall be deemed to be proceedings pending at the suit of that person against the Trust;
 - (d) all contracts, agreements, arrangements and undertakings entered into with, and all securities lawfully given to or by, the former trustees, in connection with the care, control and management of the trust lands, and in force immediately before that day shall be deemed to be contracts, agreements, arrangements and undertakings entered into with, and securities given to or by, the Trust;
 - (e) the Trust may, in connection with the care, control and management of the trust lands, in addition to pursuing any other remedies or exercising any other powers that may be available to it, pursue the same remedies for the recovery of moneys and claims referred to in this clause, and for the prosecution of proceedings so referred to, as the former trustees might have done but for this Act;
 - (f) the Trust may enforce and realise any security or charge existing immediately before that day in favour of the former trustees in connection with the care, control and management of the trust lands, and may exercise any powers thereby conferred on the former trustees as if the security or charge were a security or charge in favour of the Trust;

Sydney Cricket and Sports Ground.

SCHEDULE 4—*continued.*SAVINGS AND TRANSITIONAL PROVISIONS—*continued.*

- (g) all debts, moneys and claims, liquidated and unliquidated, that, immediately before that day, were due or payable by, or recoverable against, the former trustees in connection with the care, control and management of the trust lands shall be debts due, moneys payable by and claims recoverable against the Trust;
- (h) all liquidated and unliquidated claims in connection with the care, control and management of the trust lands for which the former trustees would, but for this Act, have been liable shall be liquidated and unliquidated claims for which the Trust shall be liable; and
- (i) all acts, matters and things done or omitted by, or done or suffered in relation to, the former trustees, being acts, matters and things not referred to in the foregoing provisions of this clause, shall have the same force and effect as if they had been done or omitted by, or done or suffered in relation to, the Trust.

4. No attornment to the Trust by a lessee from the former trustees shall be necessary.

No attornment by lessee. cf. No. 7, 1913, s. 37vv (3); No. 32, 1951, s. 3 (h).

5. (1) The rules and regulations made under the Sydney Sports Ground and Sydney Cricket Ground Amalgamation Act, 1951, and in force immediately before the commencement day in respect of the land described in Schedule 1 to that Act, shall, to the extent that they are not inconsistent with this Act, be deemed to be by-laws made under this Act in respect of the same land.

Rules and regulations made by former trustees. cf. No. 32, 1951, s. 7 (1) (a), (2) (a); No. 37, 1974, s. 16.

(2) The rules and regulations made under the Sydney Sports Ground and Sydney Cricket Ground Amalgamation Act, 1951, and in force immediately before the commencement day in respect of the land described in Schedule 2 to that Act shall, to the extent that they are not inconsistent with this Act, be deemed to be by-laws made under this Act in respect of the same land.

Sydney Cricket and Sports Ground.

SCHEDULE 4—*continued.*SAVINGS AND TRANSITIONAL PROVISIONS—*continued.*

(3) A reference (however expressed) in any Act enacted before the commencement day, other than this Act, or in any instrument issued, made or published under an Act before that day, to rules and regulations made under the Sydney Sports Ground and Sydney Cricket Ground Amalgamation Act, 1951, shall be construed as a reference to by-laws made under this Act.

(4) A reference (however expressed) in the by-laws to the trustees shall be construed as a reference to the Trust, except where the context or subject-matter otherwise requires.

Preservation of rights of members, etc.
cf. No. 32, 1951, s. 7
(1) (b),
(2) (b).

6. Persons who, immediately before the commencement day, were entitled to any rights and privileges in respect of the trust lands, or any part thereof, whether as holders of medals or tickets of admission issued or training permits granted before that day or as members, junior members or honorary members of the trust lands, or any part thereof, shall, subject to any by-laws, be entitled to the like rights and privileges in respect of those lands or that part, as the case may be, after that day.

Nominations for membership not dealt with.
cf. No. 32, 1951,
s. 7 (1) (c),
(2) (c).

7. Nominations for membership of any part of the trust lands received by the former trustees and not finally dealt with at the commencement day shall be deemed to be nominations for membership received by the Trust in respect of that part.

Officers and employees.

8. (1) The persons who, immediately before the commencement day, were officers or employees of the former trustees shall, on that day, become and be officers or employees, respectively, of the Trust and—

(a) where the salary or wages payable to any such person was or were, immediately before that day, regulated by an award or industrial agreement, that person shall be paid salary or wages at a rate not less than the rate which was payable to him immediately before that day as an officer or employee of the former trustees, subject to any adjustment necessary to give effect to any fluctuation in the basic wage for adult males, or adult females, as the case may be, for the time

Sydney Cricket and Sports Ground.

SCHEDULE 4—*continued.*

SAVINGS AND TRANSITIONAL PROVISIONS—*continued.*

being in force within the meaning of Part V of the Industrial Arbitration Act, 1940, until that salary or those wages is or are varied by an award by which the Trust is bound made by a competent tribunal or by an industrial agreement to which the Trust is a party;

- (b) where any condition of employment of any such person was, immediately before that day, regulated by an award or industrial agreement, that condition shall continue to be so regulated until it is varied by an award by which the Trust is bound made by a competent tribunal, or that condition is regulated by an industrial agreement to which the Trust is a party;
- (c) annual, sick and long service leave shall continue to accrue to any such person on the same basis as they accrued to him as an officer or employee of the former trustees immediately before that day, until that basis is varied or altered in accordance with any Act or law;
- (d) for the purpose of calculating the entitlement to long service leave of any such person under this subclause—
 - (i) any service of the person which by the terms of any Act or of any staff agreement or of any award or industrial agreement was, immediately before that day, required to be taken into account for the purpose of determining his entitlement to that leave as an officer or employee of the former trustees shall be deemed to be service with the Trust; and
 - (ii) there shall be deducted from any long service leave to which the officer or employee of the Trust becomes entitled, as such an officer or employee, any long service leave taken by him in respect of any period of service referred to in subparagraph (i); and
- (e) any such person shall be entitled to receive as an officer or employee of the Trust any annual leave or sick leave accrued to him as an officer or employee of the former trustees immediately before that day.

Sydney Cricket and Sports Ground.

SCHEDULE 4—*continued.*SAVINGS AND TRANSITIONAL PROVISIONS—*continued.*

(2) Nothing in subclause (1) of this clause affects the operation of clause 3 (d) in relation to any contracts, agreements or arrangements entered into by the former trustees with respect to any staff superannuation scheme.

(3) A person referred to in subclause (1) of this clause shall not be entitled to receive benefits under this Act as well as any other Act in respect of the same period of service.

(4) Nothing in this clause affects the operation of the Industrial Arbitration Act, 1940.

(5) The person holding office as Secretary to the former trustees immediately before the commencement day shall be deemed to have been appointed as Secretary under section 28.

In the name and on behalf of Her Majesty I assent to this Act.

A. R. CUTLER,
Governor.

*Government House,
Sydney, 12th April, 1978.*

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1978