

# PARRAMATTA STADIUM TRUST ACT 1988 No. 86

## NEW SOUTH WALES



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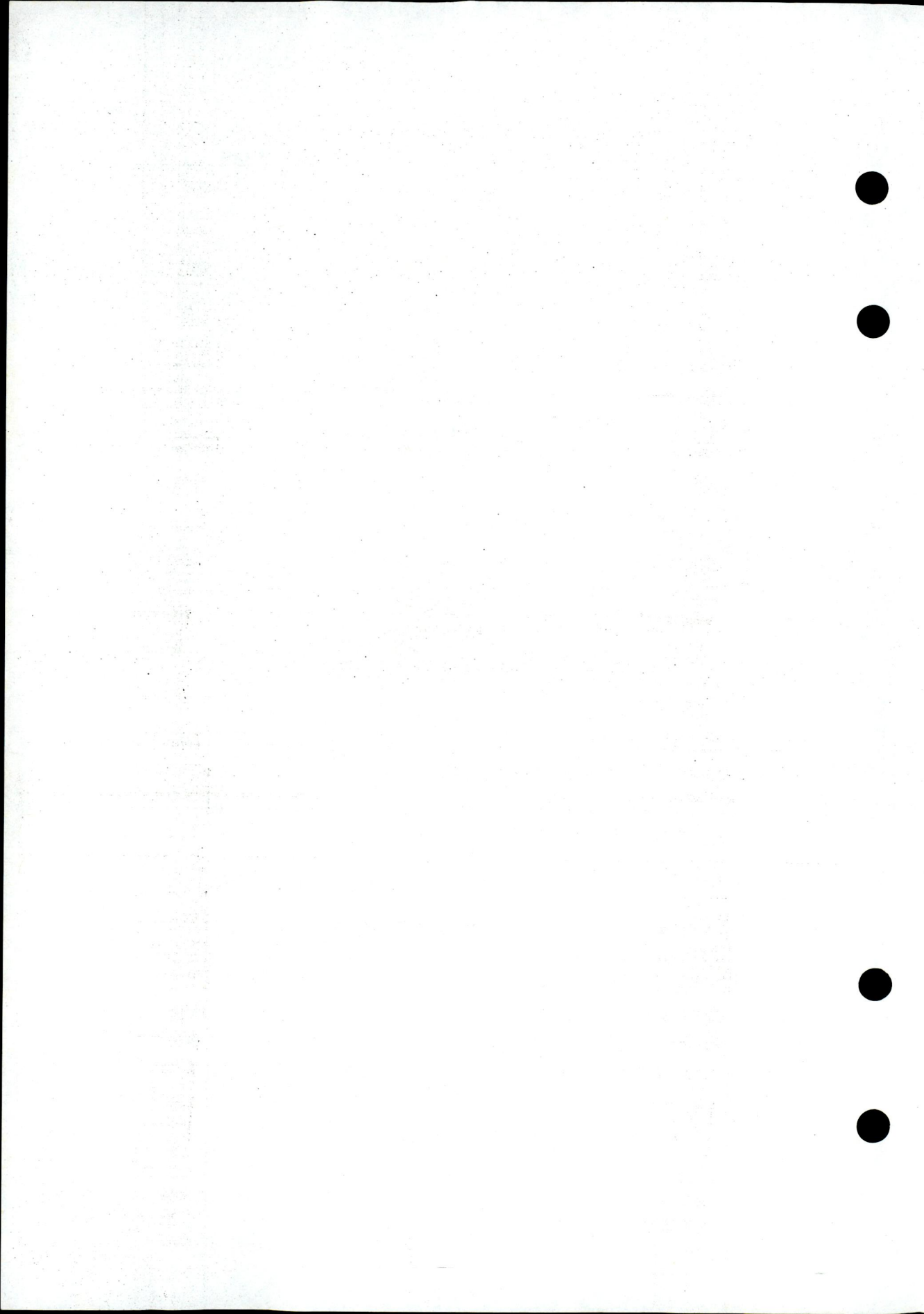
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**PARRAMATTA STADIUM TRUST ACT 1988 No. 86**

NEW SOUTH WALES



**Act No. 86, 1988**

An Act to provide for the constitution of the Parramatta Stadium Trust and to vest Cumberland Oval and certain other land in the Trust; to repeal the Cumberland Oval Act 1981; and for other purposes. [Assented to 12 December 1988]

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The Legislature of New South Wales enacts:

**PART 1—PRELIMINARY**

**Short title**

1. This Act may be cited as the Parramatta Stadium Trust Act 1988.

**Commencement**

2. This Act commences on a day or days to be appointed by proclamation.

**Definitions**

3. (1) In this Act—

“Trust” means the Parramatta Stadium Trust constituted by section 4;

“trust land” means the land comprised of lots 951–965 in the plan filed in the office of the Registrar-General as Deposited Plan 42643;

“trust property” means real and personal property vested in or held by the Trust;

“trustee” means a trustee referred to in section 4.

- (2) In this Act—

- (a) a reference to a function includes a reference to a power, authority and duty; and

- (b) a reference to the exercise of a function includes, where the function is a duty, a reference to the performance of the duty.

**PART 2—THE PARRAMATTA STADIUM TRUST**

**Constitution of the Trust**

4. (1) There is constituted by this Act a corporation with the corporate name of the Parramatta Stadium Trust.

- (2) The Trust—

- (a) has the functions conferred or imposed on it by or under this or any other Act; and

- (b) is, for the purposes of any Act, a statutory body representing the Crown; and

- (c) is, in the exercise of its functions, subject to the control and direction of the Minister.

- (3) The Trust shall consist of 7 trustees—

- (a) who shall be appointed by the Governor on the recommendation of the Minister; and

- (b) no more than 2 of whom may be appointed by being identified only as the holders for the time being of specific offices.

(4) Schedule 1 has effect with respect to the members of the Trust.

(5) Schedule 2 has effect with respect to the procedure of the Trust.

#### **Objects and principal function of the Trust**

5. (1) The objects of the Trust are—

- (a) to care for, control and manage the trust land; and
- (b) to provide and maintain a sporting arena suitable for the conduct of football matches; and
- (c) to permit the use of the trust land for such other sporting, recreational, educational or cultural activities or such exhibitions as the Trust may consider appropriate (whether or not of a commercial nature); and
- (d) to provide such other ancillary facilities as may be required for effectively operating the facilities, and carrying out the activities, referred to in the preceding paragraphs; and
- (e) to encourage, promote and facilitate the use and enjoyment of the trust land by members of the public,

and such other objects, consistent with the use and enjoyment by the public of the trust land, as the Trust considers appropriate.

(2) It is the principal function of the Trust to attain or carry out those objects.

#### **Powers of the Trust**

6. (1) The Trust may do all things necessary or convenient to be done for or in connection with, or that are incidental to, the attainment or carrying out of its objects.

(2) Without limiting the generality of subsection (1) and any other provision of this Act by which a power is conferred on the Trust, the Trust has power—

- (a) to use or authorise the use of the whole or any part of the trust land for activities of a sporting, recreational, educational or cultural nature or for the purposes of public entertainment or any public purpose approved by the Minister; and
- (b) to provide or permit other persons to provide refreshments for consumption by persons using or visiting the trust land and to apply for, hold and dispose of any licence, permit or other authority required in connection with the provision of those refreshments; and
- (c) to acquire, hold and, subject to section 17, dispose of all kinds of personal property required for or in connection with the use or operation of the trust land; and

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- (d) to carry out work or arrange for work to be carried out in connection with the maintenance, development and improvement of the trust land and, in particular, for the purpose of making the trust land suitable for the activities referred to in paragraph (a); and
  - (e) to promote and provide exhibits, lectures, films, publications and other types of instruction relating to sporting and recreational activities; and
  - (f) subject to the by-laws, to charge and receive fees or other sums for, or in connection with, the use of or admission to any facility established or provided on the trust land or any service provided, article sold, permission given or lease or licence granted by or on behalf of the Trust; and
  - (g) with the approval of the Minister and the Minister administering or responsible for the government department or statutory authority concerned, to make use of any plant, machinery or equipment that is used in that department or by that authority; and
  - (h) to enter into any contract or arrangement with any person for the purpose of attaining or carrying out the objects of the Trust.
- (3) In subsection (2) (d), references to work include references to—
- (a) the redesign and reconstruction of an area of the trust land to enable any particular sporting or recreational activity to be performed there; and
  - (b) the construction, reconstruction or demolition of any building or structure on the trust land; and
  - (c) the provision of accommodation, either seating or standing or both, for persons using or visiting the trust land.
- (4) The Trust may agree to any condition, not inconsistent with the objects of the Trust, being imposed on the acquisition of any property by the Trust.
- (5) The Trust may acquire by gift, bequest or devise any property for any of the purposes of this Act and the Trust may agree to and carry out the conditions of the gift, bequest or devise.
- (6) Where the Trust acquires property in accordance with subsection (5), the Trust may retain the property in the form in which it is acquired, subject to any condition agreed to by the Trust in relation to the property.
- (7) The rule of law against remoteness of vesting does not apply to a condition to which the Trust has agreed under subsection (5).
- (8) The Stamp Duties Act 1920 does not apply to or in respect of a gift, bequest or devise made to the Trust.

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**Power to establish committees**

7. (1) The Trust has power to establish such committees as it thinks necessary for the purpose of enabling the objects of the Trust to be attained or carried out.

(2) A person may be appointed to be a member of such a committee whether or not the person is a trustee.

(3) The procedure for calling meetings of such a committee shall, subject to the by-laws, be as determined by the Trust or, to the extent that any matter is not provided for by the by-laws or by a determination of the Trust, shall be as determined by the committee.

**Staff of the Trust**

8. (1) The Trust may employ such staff as the Trust requires to exercise its functions.

(2) The Trust may fix the salaries, wages, allowances and conditions of employment of any such staff in so far as they are not fixed by or under another Act or law.

(3) The Trust may, with the approval of the Minister and of the Minister administering or responsible for a government department or a statutory authority, arrange for the use for the purposes of the Trust of the services of any staff or facilities of the department or authority.

**Delegation**

9. (1) The Trust may delegate to—

- (a) one or more of the trustees; or
- (b) a committee established under section 7; or
- (c) an employee of the Trust,

any of its functions, other than this power of delegation.

(2) The Chairperson of the Trust may delegate to—

- (a) any other trustee; or
- (b) a committee established under section 7; or
- (c) an employee of the Trust,

any of the functions delegated to the Chairperson by the Trust, subject to any conditions to which the delegation to the Chairperson is subject.

**Funds of the Trust**

10. (1) The Trust shall establish at a bank in New South Wales an account to be known as the Parramatta Stadium Trust Account (in this section referred to as "the Trust Account").

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(2) The funds of the Trust shall be paid to the credit of the Trust Account and shall consist of—

- (a) any money appropriated by Parliament for the purposes of the Trust; and
- (b) all money derived by the Trust from fees and other charges imposed for the hire of the trust property or of any part of it or for admission to any sporting or other event held on the trust land; and
- (c) all money derived by the Trust from the sale, leasing, letting on hire or other disposal by the Trust of any property which the Trust has power to sell, lease, let on hire or otherwise dispose of; and
- (d) all money received by the Trust as profit arising out of any investment made by it in the exercise of its powers; and
- (e) all money borrowed by the Trust; and
- (f) all other money received from any source by the Trust.

(3) A payment of money to the credit of the Trust Account shall not be made if the payment would be a breach of a condition affecting the money.

(4) The funds of the Trust shall be applied only—

- (a) in payment or discharge of the expenses, charges and obligations incurred or undertaken by the Trust in the exercise of its functions; and
- (b) in the payment of any remuneration payable under this Act.

**Financial year of the Trust**

11. (1) The financial year of the Trust is the year ending on 30 June.

(2) A different financial year may be determined by the Treasurer under section 4 (1A) of the Public Finance and Audit Act 1983.

**Budget**

12. (1) As soon as practicable after the commencement of this section, the Trust shall present to the Minister a budget showing estimates of its revenue and expenditure over the balance of the financial year within which that budget is presented.

(2) The Trust shall, before the commencement of each succeeding financial year, present to the Minister a budget showing estimates of the Trust's revenue and expenditure for that financial year.

(3) The Minister may approve a budget presented to the Minister pursuant to this section or direct or allow the Trust to amend a budget before the Minister approves that budget.

(4) The Trust shall not, without the consent of the Minister, incur any expenditure that is not provided for in a budget that has been approved by the Minister under this section.



**Financial accommodation and investment**

13. Without limiting the operation of the Public Authorities (Financial Arrangements) Act 1987, the Trust may obtain financial accommodation, effect financial adjustments and make investments under and subject to that Act for the purpose of enabling the Trust to exercise its functions.

**PART 3—PROVISIONS RELATING TO TRUST PROPERTY****Vesting of trust land**

14. The trust land is, by this section, vested in the Trust for an estate in fee simple subject to any trusts, estates, interests, dedications, conditions, restrictions, covenants and provisions affecting that land immediately before the commencement of this section.

**Grant of leases, easements and licences**

15. (1) In this section, "easement" includes an easement in favour of any public or local authority constituted by an Act of Parliament, without a dominant tenement.

(2) The Trust may, but only with the approval of the Minister, from time to time and on such conditions as it thinks fit grant leases and licences of and easements over trust land.

**Power of the Trust to acquire, sell, mortgage etc. land**

16. (1) The Trust may, but only with the approval of the Minister, acquire land required by it in order to facilitate the attainment or carrying out of its objects.

(2) The Trust may, but only with the approval of the Minister and in accordance with this section, sell or mortgage any land acquired by it under this section.

(3) The Trust must not deal with land under subsection (2) unless before so doing—

- (a) it determines to deal with the land by passing a resolution; and
- (b) it advertises in a newspaper circulating within the Sydney metropolitan area a notice—
  - (i) detailing the Trust's intention to sell or mortgage the land; and
  - (ii) stating where a plan showing the land concerned may be inspected; and
  - (iii) stating that objections or comments may be made to the Trust within 21 days; and
- (c) when seeking the Minister's approval, it provides the Minister with—

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- (i) copies of any objections or comments made under paragraph (b) (iii); and
  - (ii) a written statement detailing the nature of the dealing, the proposed purchaser or mortgagee (if known to the Trust) and the proposed sale price or amount of the mortgage; and
  - (iii) such other information as the Minister requests.
- (4) For the purpose only of—
- (a) rectifying encroachments on to the trust land; or
  - (b) making minor adjustments to the boundaries of the trust land with adjoining land; or
  - (c) confining the trust land to a more manageable parcel so as to facilitate its administration,

the Trust may, with the approval of the Minister, surrender part of the trust land to the Crown by a notification in the Gazette or transfer part of that land to Parramatta City Council.

(5) Land may be transferred under subsection (4) only after the Minister has certified that, in the Minister's opinion, the divesting of the land will not affect, to any significant degree, the Trust's attainment or carrying out of its objects.

**Dealings with certain property that is held by the Trust subject to a condition**

17. (1) If property is held by the Trust subject to a condition to which the Trust has agreed under section 6, the Trust shall not dispose of or otherwise deal with any of the property except in accordance with the condition or in accordance with subsection (2).

(2) If the Trust resolves that any property held by the Trust subject to a condition of the kind referred to in subsection (1) is no longer required for the purposes of the Trust or can no longer be used for those purposes, the Trust may, despite that condition—

- (a) sell the property and retain the proceeds of sale as property of the Trust; or
- (b) exchange the property for other property that is capable of being used for the purposes of the Trust; or
- (c) give the property to an institution which engages in activities of a sporting, recreational, educational or cultural nature; or
- (d) if the Trust is of the opinion that the property is of no commercial value—dispose of or otherwise deal with the property without valuable consideration.

(3) The Trust shall not sell, exchange, give, dispose of or otherwise deal with property under subsection (2) except with the consent of the Minister and in accordance with any condition that the Minister may impose on the grant of that consent.

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(4) The Minister may consent to the sale, exchange, gift or disposal of, or to any other dealing with, property for the purposes of this section and may impose any condition that the Minister thinks fit on the grant of that consent.

(5) In this section, "property" does not include any trust land.

#### PART 4—MISCELLANEOUS

##### **Plan of management etc.**

18. (1) A plan of management for Parramatta Park prepared under section 37U of the Crown Lands Consolidation Act 1913 and any amendment or alteration of any such plan prepared under section 37V of that Act may make provision for facilitating the lawful use of the trust land.

(2) By-laws may be made under section 37II of the Crown Lands Consolidation Act 1913 with respect to Parramatta Park so as to facilitate the lawful use of the trust land.

##### **Aid of police**

19. The Trust or an officer or employee of the Trust may call in the aid of the police for the removal, by force if necessary, of any person—

- (a) who is found committing a breach of any by-law applicable to the trust land; or
- (b) who, by disorderly or insulting conduct on the trust land or in any public place, causes annoyance or inconvenience to persons on the trust land or going to or from the trust land.

##### **Power of entry**

20. (1) Despite any lease, licence or easement granted by the Trust or under section 4 of the Cumberland Oval Act 1981, the Minister, or any person authorised by the Trust or the Minister for that purpose, may enter the trust land or any part of it, and may inspect that land or part.

(2) A person who obstructs the Minister or a person authorised by the Trust or the Minister in the exercise of a power conferred by this section is guilty of an offence.

Maximum penalty: 5 penalty units.

##### **By-laws**

21. (1) The Trust 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—

- (a) the care, control and management of trust property; and

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- (b) the use of the trust land or of any specified part of it, and the regulation of its use and enjoyment or the use and enjoyment of any specified part of it; and
  - (c) the admission of persons and classes of persons (whether or not as members) to the trust land or any specified part of it, including the determination of admission charges, membership fees or subscriptions and the collection and disposal of those amounts; and
  - (d) the regulation or prohibition of admission of persons to the trust land or any specified part of it without the authority of the Trust; and
  - (e) the protection of any fence, gate, building, structure, plant, machinery or equipment or other property vested in, or under the control of, the Trust and wholly or partly on the trust land; and
  - (f) the preservation or protection of, or prevention of damage to, trees, shrubs, plants, lawn, turf or other vegetable cover on any part of the trust land; and
  - (g) the maintenance of order on the trust land; and
  - (h) the removal of persons found committing offences against the by-laws or causing annoyance or inconvenience to members of the public who are lawfully and peaceably on the trust land; and
  - (i) the regulation or prevention of taking liquor or other intoxicants on to, and the consumption of any such liquor or intoxicants on, the trust land or any specified part of it; and
  - (j) the regulation and control of taking animals on to or into the trust land or any specified part of it, or permitting animals or animals of specified kinds to be on or in the trust land or any specified part of it; and
  - (k) the regulation, control or prohibition of parking of vehicles on the trust land or any specified part of it, the making of charges for any such parking and the collection and disposal of any such charges; and
  - (l) the reservation of any portion of the trust land for such separate or exclusive uses as the by-laws may prescribe or authorise; and
  - (m) the closing, for a specified period, of the trust land or any specified part of it for any specified purpose, and the conditions to be observed with respect to any such closure; and
  - (n) the regulation, control or prohibition of private trading within the trust land or any specified part of it; and
  - (o) the appointment and removal from office of honorary officials in relation to the maintenance of order on the trust land.
- (2) A by-law is required to be approved by the Governor and does not have effect unless it is so approved.

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(3) A by-law may create an offence punishable by a penalty not exceeding 5 penalty units.

**Proceedings for offences**

22. Proceedings for an offence against this Act or the by-laws shall be dealt with summarily before a Local Court constituted by a Magistrate sitting alone.

**Repeals**

23. The Cumberland Oval Act 1981 and the Cumberland Oval By-law 1987 are repealed.

**Savings and transitional provisions**

24. Schedule 3 has effect.

**Amendment of Public Finance and Audit Act 1983 No. 152, Sch. 2 (Statutory Bodies)**

25. The Public Finance and Audit Act 1983 is amended by inserting in Schedule 2 in alphabetical order the words "Parramatta Stadium Trust."

**SCHEDULE 1—PROVISIONS RELATING TO THE TRUSTEES**

(Sec. 4 (4))

**Certain persons ineligible for appointment**

1. A person who is of or above the age of 70 years is not eligible to be appointed as a trustee or as a deputy to act in the place of a trustee.

**Appointment of deputy**

2. (1) In the case of the illness or absence of any trustee, the Minister may appoint a person as a deputy to act in the place of the trustee during that illness or absence.

(2) A deputy appointed under this clause shall, while acting as a deputy, have all the functions of a trustee.

(3) The deputy of a trustee who is Chairperson of the Trust or Deputy Chairperson of the Trust does not, only because of being appointed a deputy, have the trustee's functions as Chairperson or Deputy Chairperson.

(4) A deputy appointed under this clause shall, if the Minister thinks fit, be paid such allowances as the Minister may from time to time determine in respect of the deputy.

(5) No person shall be concerned to inquire whether or not any occasion has arisen requiring or authorising a person to act in the place of a trustee, or as to the necessity or propriety of any appointment of a deputy, and all acts and things done or omitted by a deputy when so acting shall be as valid and shall have the same consequences as if they had been done or omitted by the trustee for whom the deputy is acting.

(6) For the purposes of this clause, a vacancy in the office of a trustee shall be treated as an absence from office of the trustee.

*Parramatta Stadium Trust 1988*SCHEDULE 1—PROVISIONS RELATING TO THE TRUSTEES—*continued***Term of office**

3. (1) The term of office of a trustee shall be, and, unless the trustee vacates that office during the term, a trustee shall hold office for, such period not exceeding 4 years as may be specified in the instrument appointing the trustee.

(2) A trustee whose term of office expires may, subject to clause 1, be re-appointed as a trustee.

**Effect of certain other Acts**

4. (1) The Public Sector Management Act 1988 does not apply to the appointment of a trustee and a trustee is not, as a trustee, subject to that Act (except Part 8).

(2) If by or under any other Act provision is made—

- (a) requiring a person who is the holder of a specified office to devote the whole of his or her time to the duties of that office; or
- (b) prohibiting the person from engaging in employment outside the duties of that office,

the provision does not operate to disqualify the person from holding that office and also the office of a trustee or from accepting and retaining any allowances payable to the person under this Act as a trustee.

(3) The office of a trustee is not, for the purposes of any Act, an office or place of profit under the Crown.

**Allowances for trustees**

5. A trustee and a member of a committee established under section 7 who is not a trustee shall, if the Minister thinks fit, be paid such allowances as the Minister may from time to time determine in respect of each of them.

**Removal from office**

6. The Governor may remove a trustee from office for incapacity, incompetence or misbehaviour.

**Vacation of office**

7. A trustee shall be deemed to have vacated office—

- (a) when the trustee dies; or
- (b) if the trustee resigns the office by instrument in writing addressed to the Governor; or
- (c) if the trustee becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with the trustee's creditors or makes an assignment of the trustee's remuneration or estate for their benefit; or
- (d) if the trustee becomes a temporary patient or a continued treatment patient within the meaning of the Mental Health Act 1958, a forensic patient within the meaning of the Mental Health Act 1983 or a protected person within the meaning of the Protected Estates Act 1983; or
- (e) if the trustee is absent from 3 consecutive ordinary meetings of the trustees of which notice has been given to the trustee personally or in the ordinary course of post and is not before the expiration of 6 weeks after the latest of those meetings excused by the Trust for the trustee's absence from the meetings; or

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- (f) if the trustee is removed from office by the Governor under clause 6 or under Part 8 of the Public Sector Management Act 1988; or
- (g) when the trustee attains the age of 70 years.

**Chairperson and Deputy Chairperson**

8. (1) The Chairperson and Deputy Chairperson of the Trust shall be such trustees as the Minister nominates as Chairperson and Deputy Chairperson.

(2) A Chairperson or Deputy Chairperson of the Trust holds office until the nomination of a successor under this clause or until the Chairperson or Deputy Chairperson ceases to be a trustee, whichever first occurs.

(3) For the purposes of this clause, a trustee shall not be considered to have ceased to be a trustee only because the term of office of the trustee as a trustee has expired if the trustee is re-appointed by the Governor as a trustee for a term commencing immediately after the date on which the term of office of the trustee expires.

**Disclosure of pecuniary interests**

9. (1) If—

- (a) a trustee has a direct or indirect pecuniary interest in a matter being considered or about to be considered at a meeting of the Trust; and
- (b) the interest appears to raise a conflict with the proper performance of the trustee's duties in relation to the consideration of the matter,

the trustee shall, as soon as possible after the relevant facts have come to the trustee's knowledge, disclose the nature of the interest at a meeting of the Trust.

(2) A disclosure by a trustee at a meeting of the Trust that the trustee—

- (a) is a member, or is in the employment, of a specified company or other body;
- (b) is a partner, or is in the employment, of a specified person; or
- (c) has some other specified interest relating to a specified company or other body or to a specified person,

is a sufficient disclosure of the nature of the interest in any matter relating to that company or other body or to that person which may arise after the date of the disclosure and which is required to be disclosed under subclause (1).

(3) Particulars of any disclosure made under this clause shall be recorded by the Trust in a book kept for the purpose and that book shall be open at all reasonable hours to inspection by any person on payment of the fee determined by the Trust.

(4) After a trustee has disclosed the nature of an interest in any matter, the trustee shall not, unless the Minister or the Trust otherwise determines—

- (a) be present during any deliberation of the Trust with respect to the matter; or
- (b) take part in any decision of the Trust with respect to the matter.

(5) For the purposes of the making of a determination by the Trust under subclause (4), a trustee who has a direct or indirect pecuniary interest in a matter to which the disclosure relates shall not—

- (a) be present during any deliberation of the Trust for the purpose of making the determination; or
- (b) take part in the making by the Trust of the determination.

*Parramatta Stadium Trust 1988*SCHEDULE 1—PROVISIONS RELATING TO THE TRUSTEES—*continued*

(6) A contravention of this clause does not invalidate any decision of the Trust.

(7) This clause does not apply to or in respect of an interest of a trustee (being the provision of goods or services to the trustee by the Trust) if the goods or services are, or are to be, available to members of the public on the same terms and conditions.

**Seal**

10. The seal of the Trust shall be kept by a person nominated by the Trust.

## SCHEDULE 2—MEETINGS AND PROCEDURE OF THE TRUST

(Sec. 4 (5))

**Procedure, quorum etc.**

1. (1) The procedure for the calling of meetings of the Trust and the conduct of business at those meetings shall, subject to this Schedule and any by-law, be as determined by the trustees.

(2) The Minister shall call the first meeting of the Trust by giving notice to the trustees in such a way as the Minister thinks fit.

(3) The quorum for a meeting of the Trust is 4 trustees.

(4) The person presiding at a meeting of the Trust shall, in the event of an equality of votes, have, in addition to a deliberative vote, a second or casting vote.

(5) A decision supported by a majority of the votes cast at a meeting of the Trust at which a quorum is present is the decision of the Trust.

**Minutes**

2. The Trust must cause full and accurate minutes to be kept of the proceedings of each meeting of the Trust.

**Presiding member at meeting of the Trust**

3. At a meeting of the Trust—

(a) the Chairperson of the Trust or, in the absence of the Chairperson, the Deputy Chairperson; or

(b) in the absence of the Chairperson or Deputy Chairperson or if it is a meeting held when no person holds the office of Chairperson or Deputy Chairperson of the Trust—a Chairperson elected by trustees present at the meeting from among their number,

shall preside.

## SCHEDULE 3—SAVINGS AND TRANSITIONAL PROVISIONS

(Sec. 24)

**Definitions**

1. In this Schedule—

“the continued lease” means the lease granted to the former manager under section 4 of the Cumberland Oval Act 1981 and in force at the commencement of clause 2;



*Parramatta Stadium Trust 1988*SCHEDULE 3—SAVINGS AND TRANSITIONAL PROVISIONS—*continued*

“the former manager” means the Sydney Cricket and Sports Ground Trust constituted by the Sydney Cricket and Sports Ground Act 1978.

**Termination of existing lease to Sydney Cricket and Sports Ground Trust**

2. (1) The Trust shall be treated as the lessor under the continued lease on and from the day on which section 14 commences and until the lease is terminated under this clause.

(2) The lease may be terminated by the Minister by a notification published in the Gazette.

(3) Any such notification shall specify the last day on which the lease has effect.

(4) On termination of the lease, the former manager is entitled to compensation, but only such compensation as is determined in accordance with this clause.

(5) The Minister must not terminate the lease until the Minister—

(a) after considering the recommendation of the committee constituted as referred to in subclause (6), has determined the compensation to be paid by the Trust to the former manager for the termination of the lease; and

(b) is satisfied that arrangements have been made for the payment of that compensation to the former manager.

(6) The compensation committee shall consist of—

(a) the Chairman of the Sydney Cricket and Sports Ground Trust; and

(b) the Chairperson of the Parramatta Stadium Trust; and

(c) an officer of the Department of Sport, Recreation and Racing nominated by the Minister.

(7) Section 4A of the Cumberland Oval Act 1981 (as in force immediately before the repeal of that Act) continues to have effect in relation to the lease and the former manager until the lease is terminated under this clause.

**Trust not to manage trust land until lease terminated**

3. Despite its objects and principal functions, the Trust shall not, until the continued lease is terminated, exercise any of its functions inconsistently with the functions under the lease of the former manager.

**Saving of contracts etc.**

4. (1) From the time when the continued lease ceases to have effect, any contract, agreement or undertaking entered into with the former manager in connection with its occupation of the trust land and in force immediately before that time shall be treated as a contract, agreement or undertaking entered into with the Trust.

(2) This clause does not affect the determination of compensation under clause 2.

**Preservation of rights of existing staff at Cumberland Oval**

5. (1) In this clause—

“employee of the former manager” means a person who, at the time the continued lease ceases to have effect, was employed by the former manager (otherwise than on a temporary or casual basis) and whose principal place of work at that time was the trust land;

*Parramatta Stadium Trust 1988*SCHEDULE 3—SAVINGS AND TRANSITIONAL PROVISIONS—*continued*

“superannuation scheme” means a scheme, fund or arrangement under which any superannuation or retirement benefits are provided and which is established by or under any Act.

(2) Every employee of the former manager shall, at the time when the continued lease ceases to have effect, become an employee of the Trust on the same terms and conditions (including terms and conditions as to remuneration and duration of appointment) as those on which he or she was employed immediately before that time.

(3) An employee of the former manager—

- (a) shall retain any rights accrued or accruing to him or her as such an employee; and
- (b) may continue to contribute to any superannuation scheme to which he or she was a contributor immediately before becoming an employee of the Trust; and
- (c) is entitled to receive any deferred or extended leave and any payment, pension or gratuity,

as if he or she had continued to be an employee of the former manager during his or her service as an employee of the Trust.

(4) Service as an employee of the Trust shall be regarded as service as an employee of the former manager for the purposes of any law under which those rights accrued or were accruing, under which he or she continues to contribute or by which that entitlement is conferred.

(5) A person who becomes an employee of the Trust because of the operation of subclause (2) shall be regarded as an employee of the former manager, and the Trust shall be regarded as the employer, for the purposes of the superannuation scheme to which he or she is entitled to contribute under this clause.

(6) If an employee of the former manager would, but for this subclause, be entitled under subclause (3) to contribute to a superannuation scheme or to receive any payment, pension or gratuity under the scheme—

- (a) he or she is not so entitled on becoming a contributor to any other superannuation scheme; and
- (b) the provisions of subclause (5) cease to apply to or in respect of him or her and the Trust in any case where he or she becomes a contributor to any such other superannuation scheme.

(7) Subclause (6) does not prevent the payment to an employee of the former manager (on his or her ceasing to be a contributor to a superannuation scheme) of such amount as would have been payable to him or her if he or she had ceased, because of resignation, to be such a contributor.

(8) An employee of the former manager is not, in respect of the same period of service, entitled to dual benefits of the same kind through the operation of this clause.

**Regulations**

6. (1) The Governor may make regulations which contain provisions of a savings or transitional nature consequent on the enactment of this Act.

(2) Any such provision may, if the regulations so provide, take effect from the date of assent to this Act or a later day.

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SCHEDULE 3—SAVINGS AND TRANSITIONAL PROVISIONS—*continued*

- (3) To the extent to which any such provision takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as—
- (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication; or
  - (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication.

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[*Minister's second reading speech made in—  
Legislative Council on 16 November 1988  
Legislative Assembly on 29 November 1988*]



## 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.

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### 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.

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# PARRAMATTA STADIUM TRUST BILL 1988

NEW SOUTH WALES



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# PARRAMATTA STADIUM TRUST BILL 1988

NEW SOUTH WALES



No. , 1988

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## A BILL FOR

An Act to provide for the constitution of the Parramatta Stadium Trust and to vest Cumberland Oval and certain other land in the Trust; to repeal the Cumberland Oval Act 1981; and for other purposes.

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*Parramatta Stadium Trust 1988***The Legislature of New South Wales enacts:****PART 1—PRELIMINARY****Short title**

1. This Act may be cited as the Parramatta Stadium Trust Act 1988.

**5 Commencement**

2. This Act commences on a day or days to be appointed by proclamation.

**Definitions**

3. (1) In this Act—

- 10 “Trust” means the Parramatta Stadium Trust constituted by section 4;  
 “trust land” means the land comprised of lots 951–965 in the plan filed  
 in the office of the Registrar-General as Deposited Plan 42643;  
 “trust property” means real and personal property vested in or held by  
 the Trust;  
 15 “trustee” means a trustee referred to in section 4.

- (2) In this Act—

- (a) a reference to a function includes a reference to a power, authority  
 and duty; and  
 (b) a reference to the exercise of a function includes, where the function  
 20 is a duty, a reference to the performance of the duty.

**PART 2—THE PARRAMATTA STADIUM TRUST****Constitution of the Trust**

4. (1) There is constituted by this Act a corporation with the corporate name of the Parramatta Stadium Trust.

- 25 (2) The Trust—

- (a) has the functions conferred or imposed on it by or under this or any  
 other Act; and  
 (b) is, for the purposes of any Act, a statutory body representing the  
 Crown; and  
 30 (c) is, in the exercise of its functions, subject to the control and direction  
 of the Minister.

- (3) The Trust shall consist of 7 trustees—

- (a) who shall be appointed by the Governor on the recommendation of  
 the Minister; and  
 35 (b) no more than 2 of whom may be appointed by being identified only  
 as the holders for the time being of specific offices.

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(4) Schedule 1 has effect with respect to the members of the Trust.

(5) Schedule 2 has effect with respect to the procedure of the Trust.

**Objects and principal function of the Trust**

5. (1) The objects of the Trust are—

- 5 (a) to care for, control and manage the trust land; and
- (b) to provide and maintain a sporting arena suitable for the conduct of football matches; and
- 10 (c) to permit the use of the trust land for such other sporting, recreational, educational or cultural activities or such exhibitions as the Trust may consider appropriate (whether or not of a commercial nature); and
- (d) to provide such other ancillary facilities as may be required for effectively operating the facilities, and carrying out the activities, referred to in the preceding paragraphs; and
- 15 (e) to encourage, promote and facilitate the use and enjoyment of the trust land by members of the public,

and such other objects, consistent with the use and enjoyment by the public of the trust land, as the Trust considers appropriate.

20 (2) It is the principal function of the Trust to attain or carry out those objects.

**Powers of the Trust**

6. (1) The Trust may do all things necessary or convenient to be done for or in connection with, or that are incidental to, the attainment or carrying out of its objects.

25 (2) Without limiting the generality of subsection (1) and any other provision of this Act by which a power is conferred on the Trust, the Trust has power—

- 30 (a) to use or authorise the use of the whole or any part of the trust land for activities of a sporting, recreational, educational or cultural nature or for the purposes of public entertainment or any public purpose approved by the Minister; and
- (b) to provide or permit other persons to provide refreshments for consumption by persons using or visiting the trust land and to apply for, hold and dispose of any licence, permit or other authority required in connection with the provision of those refreshments; and
- 35 (c) to acquire, hold and, subject to section 17, dispose of all kinds of personal property required for or in connection with the use or operation of the trust land; and

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- (d) to carry out work or arrange for work to be carried out in connection with the maintenance, development and improvement of the trust land and, in particular, for the purpose of making the trust land suitable for the activities referred to in paragraph (a); and
- 5 (e) to promote and provide exhibits, lectures, films, publications and other types of instruction relating to sporting and recreational activities; and
- (f) subject to the by-laws, to charge and receive fees or other sums for, or in connection with, the use of or admission to any facility established or provided on the trust land or any service provided, article sold, permission given or lease or licence granted by or on behalf of the Trust; and
- 10 (g) with the approval of the Minister and the Minister administering or responsible for the government department or statutory authority concerned, to make use of any plant, machinery or equipment that is used in that department or by that authority; and
- 15 (h) to enter into any contract or arrangement with any person for the purpose of attaining or carrying out the objects of the Trust.
- (3) In subsection (2) (d), references to work include references to—
- 20 (a) the redesign and reconstruction of an area of the trust land to enable any particular sporting or recreational activity to be performed there; and
- (b) the construction, reconstruction or demolition of any building or structure on the trust land; and
- 25 (c) the provision of accommodation, either seating or standing or both, for persons using or visiting the trust land.
- (4) The Trust may agree to any condition, not inconsistent with the objects of the Trust, being imposed on the acquisition of any property by the Trust.
- 30 (5) The Trust may acquire by gift, bequest or devise any property for any of the purposes of this Act and the Trust may agree to and carry out the conditions of the gift, bequest or devise.
- (6) Where the Trust acquires property in accordance with subsection (5), the Trust may retain the property in the form in which it is acquired, subject to any condition agreed to by the Trust in relation to the property.
- 35 (7) The rule of law against remoteness of vesting does not apply to a condition to which the Trust has agreed under subsection (5).
- (8) The Stamp Duties Act 1920 does not apply to or in respect of a gift, bequest or devise made to the Trust.

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**Power to establish committees**

7. (1) The Trust has power to establish such committees as it thinks necessary for the purpose of enabling the objects of the Trust to be attained or carried out.

5 (2) A person may be appointed to be a member of such a committee whether or not the person is a trustee.

(3) The procedure for calling meetings of such a committee shall, subject to the by-laws, be as determined by the Trust or, to the extent that any matter is not provided for by the by-laws or by a determination of the Trust,  
10 shall be as determined by the committee.

**Staff of the Trust**

8. (1) The Trust may employ such staff as the Trust requires to exercise its functions.

(2) The Trust may fix the salaries, wages, allowances and conditions of  
15 employment of any such staff in so far as they are not fixed by or under another Act or law.

(3) The Trust may, with the approval of the Minister and of the Minister administering or responsible for a government department or a statutory authority, arrange for the use for the purposes of the Trust of the services  
20 of any staff or facilities of the department or authority.

**Delegation**

9. (1) The Trust may delegate to—

- (a) one or more of the trustees; or
  - (b) a committee established under section 7; or
  - 25 (c) an employee of the Trust,
- any of its functions, other than this power of delegation.

(2) The Chairperson of the Trust may delegate to—

- (a) any other trustee; or
- (b) a committee established under section 7; or
- 30 (c) an employee of the Trust,

any of the functions delegated to the Chairperson by the Trust, subject to any conditions to which the delegation to the Chairperson is subject.

**Funds of the Trust**

10. (1) The Trust shall establish at a bank in New South Wales an  
35 account to be known as the Parramatta Stadium Trust Account (in this section referred to as "the Trust Account").

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(2) The funds of the Trust shall be paid to the credit of the Trust Account and shall consist of—

- (a) any money appropriated by Parliament for the purposes of the Trust; and
  - 5 (b) all money derived by the Trust from fees and other charges imposed for the hire of the trust property or of any part of it or for admission to any sporting or other event held on the trust land; and
  - (c) all money derived by the Trust from the sale, leasing, letting on hire or other disposal by the Trust of any property which the Trust has
  - 10 power to sell, lease, let on hire or otherwise dispose of; and
  - (d) all money received by the Trust as profit arising out of any investment made by it in the exercise of its powers; and
  - (e) all money borrowed by the Trust; and
  - (f) all other money received from any source by the Trust.
- 15 (3) A payment of money to the credit of the Trust Account shall not be made if the payment would be a breach of a condition affecting the money.

(4) The funds of the Trust shall be applied only—

- (a) in payment or discharge of the expenses, charges and obligations incurred or undertaken by the Trust in the exercise of its functions; and
- 20 (b) in the payment of any remuneration payable under this Act.

**Financial year of the Trust**

11. (1) The financial year of the Trust is the year ending on 30 June.

(2) A different financial year may be determined by the Treasurer under  
25 section 4 (1A) of the Public Finance and Audit Act 1983.

**Budget**

12. (1) As soon as practicable after the commencement of this section, the Trust shall present to the Minister a budget showing estimates of its revenue and expenditure over the balance of the financial year within which  
30 that budget is presented.

(2) The Trust shall, before the commencement of each succeeding financial year, present to the Minister a budget showing estimates of the Trust's revenue and expenditure for that financial year.

(3) The Minister may approve a budget presented to the Minister  
35 pursuant to this section or direct or allow the Trust to amend a budget before the Minister approves that budget.

(4) The Trust shall not, without the consent of the Minister, incur any expenditure that is not provided for in a budget that has been approved by the Minister under this section.



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**Financial accommodation and investment**

13. Without limiting the operation of the Public Authorities (Financial Arrangements) Act 1987, the Trust may obtain financial accommodation, effect financial adjustments and make investments under and subject to that Act for the purpose of enabling the Trust to exercise its functions.

**PART 3—PROVISIONS RELATING TO TRUST PROPERTY**

**Vesting of trust land**

14. The trust land is, by this section, vested in the Trust for an estate in fee simple subject to any trusts, estates, interests, dedications, conditions, restrictions, covenants and provisions affecting that land immediately before the commencement of this section.

**Grant of leases, easements and licences**

15. (1) In this section, "easement" includes an easement in favour of any public or local authority constituted by an Act of Parliament, without a dominant tenement.

(2) The Trust may, but only with the approval of the Minister, from time to time and on such conditions as it thinks fit grant leases and licences of and easements over trust land.

**Power of the Trust to acquire, sell, mortgage etc. land**

20 16. (1) The Trust may, but only with the approval of the Minister, acquire land required by it in order to facilitate the attainment or carrying out of its objects.

(2) The Trust may, but only with the approval of the Minister and in accordance with this section, sell or mortgage any land acquired by it under this section.

(3) The Trust must not deal with land under subsection (2) unless before so doing—

- (a) it determines to deal with the land by passing a resolution; and
- (b) it advertises in a newspaper circulating within the Sydney metropolitan area a notice—
  - (i) detailing the Trust's intention to sell or mortgage the land; and
  - (ii) stating where a plan showing the land concerned may be inspected; and
  - (iii) stating that objections or comments may be made to the Trust within 21 days; and
- (c) when seeking the Minister's approval, it provides the Minister with—

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- (i) copies of any objections or comments made under paragraph (b) (iii); and
- (ii) a written statement detailing the nature of the dealing, the proposed purchaser or mortgagee (if known to the Trust) and the proposed sale price or amount of the mortgage; and
- (iii) such other information as the Minister requests.

**(4) For the purpose only of—**

- (a) rectifying encroachments on to the trust land; or
- (b) making minor adjustments to the boundaries of the trust land with adjoining land; or
- (c) confining the trust land to a more manageable parcel so as to facilitate its administration,

the Trust may, with the approval of the Minister, surrender part of the trust land to the Crown by a notification in the Gazette or transfer part of that land to Parramatta City Council.

**(5)** Land may be transferred under subsection (4) only after the Minister has certified that, in the Minister's opinion, the divesting of the land will not affect, to any significant degree, the Trust's attainment or carrying out of its objects.

**20 Dealings with certain property that is held by the Trust subject to a condition**

**17. (1)** If property is held by the Trust subject to a condition to which the Trust has agreed under section 6, the Trust shall not dispose of or otherwise deal with any of the property except in accordance with the condition or in accordance with subsection (2).

**25 (2)** If the Trust resolves that any property held by the Trust subject to a condition of the kind referred to in subsection (1) is no longer required for the purposes of the Trust or can no longer be used for those purposes, the Trust may, despite that condition—

- (a) sell the property and retain the proceeds of sale as property of the Trust; or
- (b) exchange the property for other property that is capable of being used for the purposes of the Trust; or
- (c) give the property to an institution which engages in activities of a sporting, recreational, educational or cultural nature; or

**35 (d)** if the Trust is of the opinion that the property is of no commercial value—dispose of or otherwise deal with the property without valuable consideration.

**40 (3)** The Trust shall not sell, exchange, give, dispose of or otherwise deal with property under subsection (2) except with the consent of the Minister and in accordance with any condition that the Minister may impose on the grant of that consent.

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(4) The Minister may consent to the sale, exchange, gift or disposal of, or to any other dealing with, property for the purposes of this section and may impose any condition that the Minister thinks fit on the grant of that consent.

5 (5) In this section, "property" does not include any trust land.

**PART 4—MISCELLANEOUS**

**Plan of management etc.**

18. (1) A plan of management for Parramatta Park prepared under section 37U of the Crown Lands Consolidation Act 1913 and any  
10 amendment or alteration of any such plan prepared under section 37V of that Act may make provision for facilitating the lawful use of the trust land.

(2) By-laws may be made under section 37II of the Crown Lands Consolidation Act 1913 with respect to Parramatta Park so as to facilitate the lawful use of the trust land.

15 **Aid of police**

19. The Trust or an officer or employee of the Trust may call in the aid of the police for the removal, by force if necessary, of any person—

- (a) who is found committing a breach of any by-law applicable to the trust land; or
- 20 (b) who, by disorderly or insulting conduct on the trust land or in any public place, causes annoyance or inconvenience to persons on the trust land or going to or from the trust land.

**Power of entry**

20. (1) Despite any lease, licence or easement granted by the Trust or  
25 under section 4 of the Cumberland Oval Act 1981, the Minister, or any person authorised by the Trust or the Minister for that purpose, may enter the trust land or any part of it, and may inspect that land or part.

(2) A person who obstructs the Minister or a person authorised by the Trust or the Minister in the exercise of a power conferred by this section is  
30 guilty of an offence.

Maximum penalty: 5 penalty units.

**By-laws**

21. (1) The Trust 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  
35 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—

- (a) the care, control and management of trust property; and

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- (b) the use of the trust land or of any specified part of it, and the regulation of its use and enjoyment or the use and enjoyment of any specified part of it; and
- 5 (c) the admission of persons and classes of persons (whether or not as members) to the trust land or any specified part of it, including the determination of admission charges, membership fees or subscriptions and the collection and disposal of those amounts; and
- 10 (d) the regulation or prohibition of admission of persons to the trust land or any specified part of it without the authority of the Trust; and
- (e) the protection of any fence, gate, building, structure, plant, machinery or equipment or other property vested in, or under the control of, the Trust and wholly or partly on the trust land; and
- 15 (f) the preservation or protection of, or prevention of damage to, trees, shrubs, plants, lawn, turf or other vegetable cover on any part of the trust land; and
- (g) the maintenance of order on the trust land; and
- (h) the removal of persons found committing offences against the by-laws or causing annoyance or inconvenience to members of the public who are lawfully and peaceably on the trust land; and
- 20 (i) the regulation or prevention of taking liquor or other intoxicants on to, and the consumption of any such liquor or intoxicants on, the trust land or any specified part of it; and
- 25 (j) the regulation and control of taking animals on to or into the trust land or any specified part of it, or permitting animals or animals of specified kinds to be on or in the trust land or any specified part of it; and
- (k) the regulation, control or prohibition of parking of vehicles on the trust land or any specified part of it, the making of charges for any such parking and the collection and disposal of any such charges; and
- 30 (l) the reservation of any portion of the trust land for such separate or exclusive uses as the by-laws may prescribe or authorise; and
- 35 (m) the closing, for a specified period, of the trust land or any specified part of it for any specified purpose, and the conditions to be observed with respect to any such closure; and
- (n) the regulation, control or prohibition of private trading within the trust land or any specified part of it; and
- 40 (o) the appointment and removal from office of honorary officials in relation to the maintenance of order on the trust land.
- (2) A by-law is required to be approved by the Governor and does not have effect unless it is so approved.

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(3) A by-law may create an offence punishable by a penalty not exceeding 5 penalty units.

**Proceedings for offences**

22. Proceedings for an offence against this Act or the by-laws shall be dealt with summarily before a Local Court constituted by a Magistrate sitting alone.

**Repeals**

23. The Cumberland Oval Act 1981 and the Cumberland Oval By-law 1987 are repealed.

10 **Savings and transitional provisions**

24. Schedule 3 has effect.

**Amendment of Public Finance and Audit Act 1983 No. 152, Sch. 2 (Statutory Bodies)**

25. The Public Finance and Audit Act 1983 is amended by inserting in Schedule 2 in alphabetical order the words "Parramatta Stadium Trust."

**SCHEDULE 1—PROVISIONS RELATING TO THE TRUSTEES**

(Sec. 4 (4))

**Certain persons ineligible for appointment**

20 1. A person who is of or above the age of 70 years is not eligible to be appointed as a trustee or as a deputy to act in the place of a trustee.

**Appointment of deputy**

2. (1) In the case of the illness or absence of any trustee, the Minister may appoint a person as a deputy to act in the place of the trustee during that illness or absence.

25 (2) A deputy appointed under this clause shall, while acting as a deputy, have all the functions of a trustee.

(3) The deputy of a trustee who is Chairperson of the Trust or Deputy Chairperson of the Trust does not, only because of being appointed a deputy, have the trustee's functions as Chairperson or Deputy Chairperson.

30 (4) A deputy appointed under this clause shall, if the Minister thinks fit, be paid such allowances as the Minister may from time to time determine in respect of the deputy.

35 (5) No person shall be concerned to inquire whether or not any occasion has arisen requiring or authorising a person to act in the place of a trustee, or as to the necessity or propriety of any appointment of a deputy, and all acts and things done or omitted by a deputy when so acting shall be as valid and shall have the same consequences as if they had been done or omitted by the trustee for whom the deputy is acting.

(6) For the purposes of this clause, a vacancy in the office of a trustee shall be treated as an absence from office of the trustee.

*Parramatta Stadium Trust 1988*SCHEDULE 1—PROVISIONS RELATING TO THE TRUSTEES—*continued***Term of office**

3. (1) The term of office of a trustee shall be, and, unless the trustee vacates that office during the term, a trustee shall hold office for, such period not exceeding 4 years as may be specified in the instrument appointing the trustee.

- 5 (2) A trustee whose term of office expires may, subject to clause 1, be re-appointed as a trustee.

**Effect of certain other Acts**

4. (1) The Public Sector Management Act 1988 does not apply to the appointment of a trustee and a trustee is not, as a trustee, subject to that Act (except Part 8).

- 10 (2) If by or under any other Act provision is made—

- (a) requiring a person who is the holder of a specified office to devote the whole of his or her time to the duties of that office; or
- (b) prohibiting the person from engaging in employment outside the duties of that office,

- 15 the provision does not operate to disqualify the person from holding that office and also the office of a trustee or from accepting and retaining any allowances payable to the person under this Act as a trustee.

(3) The office of a trustee is not, for the purposes of any Act, an office or place of profit under the Crown.

**20 Allowances for trustees**

5. A trustee and a member of a committee established under section 7 who is not a trustee shall, if the Minister thinks fit, be paid such allowances as the Minister may from time to time determine in respect of each of them.

**Removal from office**

- 25 6. The Governor may remove a trustee from office for incapacity, incompetence or misbehaviour.

**Vacation of office**

7. A trustee shall be deemed to have vacated office—

- (a) when the trustee dies; or
- 30 (b) if the trustee resigns the office by instrument in writing addressed to the Governor; or
- (c) if the trustee becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with the trustee's creditors or makes an assignment of the trustee's remuneration or estate for their benefit;
- 35 or
- (d) if the trustee becomes a temporary patient or a continued treatment patient within the meaning of the Mental Health Act 1958, a forensic patient within the meaning of the Mental Health Act 1983 or a protected person within the meaning of the Protected Estates Act 1983; or
- 40 (e) if the trustee is absent from 3 consecutive ordinary meetings of the trustees of which notice has been given to the trustee personally or in the ordinary course of post and is not before the expiration of 6 weeks after the latest of those meetings excused by the Trust for the trustee's absence from the meetings; or

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- (f) if the trustee is removed from office by the Governor under clause 6 or under Part 8 of the Public Sector Management Act 1988; or
- (g) when the trustee attains the age of 70 years.

**Chairperson and Deputy Chairperson**

- 5 8. (1) The Chairperson and Deputy Chairperson of the Trust shall be such trustees as the Minister nominates as Chairperson and Deputy Chairperson.

(2) A Chairperson or Deputy Chairperson of the Trust holds office until the nomination of a successor under this clause or until the Chairperson or Deputy Chairperson ceases to be a trustee, whichever first occurs.

- 10 (3) For the purposes of this clause, a trustee shall not be considered to have ceased to be a trustee only because the term of office of the trustee as a trustee has expired if the trustee is re-appointed by the Governor as a trustee for a term commencing immediately after the date on which the term of office of the trustee expires.

**Disclosure of pecuniary interests**

- 15 9. (1) If—
- (a) a trustee has a direct or indirect pecuniary interest in a matter being considered or about to be considered at a meeting of the Trust; and
  - (b) the interest appears to raise a conflict with the proper performance of the trustee's duties in relation to the consideration of the matter,
- 20 the trustee shall, as soon as possible after the relevant facts have come to the trustee's knowledge, disclose the nature of the interest at a meeting of the Trust.

(2) A disclosure by a trustee at a meeting of the Trust that the trustee—

- (a) is a member, or is in the employment, of a specified company or other body;
  - (b) is a partner, or is in the employment, of a specified person; or
- 25 (c) has some other specified interest relating to a specified company or other body or to a specified person,

is a sufficient disclosure of the nature of the interest in any matter relating to that company or other body or to that person which may arise after the date of the disclosure and which is required to be disclosed under subclause (1).

- 30 (3) Particulars of any disclosure made under this clause shall be recorded by the Trust in a book kept for the purpose and that book shall be open at all reasonable hours to inspection by any person on payment of the fee determined by the Trust.

(4) After a trustee has disclosed the nature of an interest in any matter, the trustee shall not, unless the Minister or the Trust otherwise determines—

- 35 (a) be present during any deliberation of the Trust with respect to the matter; or
- (b) take part in any decision of the Trust with respect to the matter.

(5) For the purposes of the making of a determination by the Trust under subclause (4), a trustee who has a direct or indirect pecuniary interest in a matter to which the disclosure relates shall not—

- 40 (a) be present during any deliberation of the Trust for the purpose of making the determination; or
- (b) take part in the making by the Trust of the determination.

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(6) A contravention of this clause does not invalidate any decision of the Trust.

(7) This clause does not apply to or in respect of an interest of a trustee (being the provision of goods or services to the trustee by the Trust) if the goods or services are, or are to be, available to members of the public on the same terms and conditions.

**5 Seal**

10. The seal of the Trust shall be kept by a person nominated by the Trust.

## SCHEDULE 2—MEETINGS AND PROCEDURE OF THE TRUST

(Sec. 4 (5))

**Procedure, quorum etc.**

10 1. (1) The procedure for the calling of meetings of the Trust and the conduct of business at those meetings shall, subject to this Schedule and any by-law, be as determined by the trustees.

(2) The Minister shall call the first meeting of the Trust by giving notice to the trustees in such a way as the Minister thinks fit.

15 (3) The quorum for a meeting of the Trust is 4 trustees.

(4) The person presiding at a meeting of the Trust shall, in the event of an equality of votes, have, in addition to a deliberative vote, a second or casting vote.

(5) A decision supported by a majority of the votes cast at a meeting of the Trust at which a quorum is present is the decision of the Trust.

**20 Minutes**

2. The Trust must cause full and accurate minutes to be kept of the proceedings of each meeting of the Trust.

**Presiding member at meeting of the Trust**

3. At a meeting of the Trust—

25 (a) the Chairperson of the Trust or, in the absence of the Chairperson, the Deputy Chairperson; or

(b) in the absence of the Chairperson or Deputy Chairperson or if it is a meeting held when no person holds the office of Chairperson or Deputy Chairperson of the Trust—a Chairperson elected by trustees present at the meeting from among their number,

30 shall preside.

## SCHEDULE 3—SAVINGS AND TRANSITIONAL PROVISIONS

(Sec. 24)

**Definitions**

35 1. In this Schedule—

“the continued lease” means the lease granted to the former manager under section 4 of the Cumberland Oval Act 1981 and in force at the commencement of clause 2;



*Parramatta Stadium Trust 1988*SCHEDULE 3—SAVINGS AND TRANSITIONAL PROVISIONS—*continued*

“the former manager” means the Sydney Cricket and Sports Ground Trust constituted by the Sydney Cricket and Sports Ground Act 1978.

**Termination of existing lease to Sydney Cricket and Sports Ground Trust**

2. (1) The Trust shall be treated as the lessor under the continued lease on and from the day on which section 14 commences and until the lease is terminated under this clause.
- (2) The lease may be terminated by the Minister by a notification published in the Gazette.
- (3) Any such notification shall specify the last day on which the lease has effect.
- 10 (4) On termination of the lease, the former manager is entitled to compensation, but only such compensation as is determined in accordance with this clause.
- (5) The Minister must not terminate the lease until the Minister—
- 15 (a) after considering the recommendation of the committee constituted as referred to in subclause (6), has determined the compensation to be paid by the Trust to the former manager for the termination of the lease; and
- (b) is satisfied that arrangements have been made for the payment of that compensation to the former manager.
- (6) The compensation committee shall consist of—
- 20 (a) the Chairman of the Sydney Cricket and Sports Ground Trust; and
- (b) the Chairperson of the Parramatta Stadium Trust; and
- (c) an officer of the Department of Sport, Recreation and Racing nominated by the Minister.
- (7) Section 4A of the Cumberland Oval Act 1981 (as in force immediately before the repeal of that Act) continues to have effect in relation to the lease and the former manager until the lease is terminated under this clause.
- 25

**Trust not to manage trust land until lease terminated**

3. Despite its objects and principal functions, the Trust shall not, until the continued lease is terminated, exercise any of its functions inconsistently with the functions under the lease of the former manager.

**30 Saving of contracts etc.**

4. (1) From the time when the continued lease ceases to have effect, any contract, agreement or undertaking entered into with the former manager in connection with its occupation of the trust land and in force immediately before that time shall be treated as a contract, agreement or undertaking entered into with the Trust.
- 35 (2) This clause does not affect the determination of compensation under clause 2.

**Preservation of rights of existing staff at Cumberland Oval**

5. (1) In this clause—
- 40 “employee of the former manager” means a person who, at the time the continued lease ceases to have effect, was employed by the former manager (otherwise than on a temporary or casual basis) and whose principal place of work at that time was the trust land;

*Parramatta Stadium Trust 1988*SCHEDULE 3—SAVINGS AND TRANSITIONAL PROVISIONS—*continued*

“superannuation scheme” means a scheme, fund or arrangement under which any superannuation or retirement benefits are provided and which is established by or under any Act.

5 (2) Every employee of the former manager shall, at the time when the continued lease ceases to have effect, become an employee of the Trust on the same terms and conditions (including terms and conditions as to remuneration and duration of appointment) as those on which he or she was employed immediately before that time.

(3) An employee of the former manager—

10 (a) shall retain any rights accrued or accruing to him or her as such an employee; and

(b) may continue to contribute to any superannuation scheme to which he or she was a contributor immediately before becoming an employee of the Trust; and

(c) is entitled to receive any deferred or extended leave and any payment, pension or gratuity,

15 as if he or she had continued to be an employee of the former manager during his or her service as an employee of the Trust.

(4) Service as an employee of the Trust shall be regarded as service as an employee of the former manager for the purposes of any law under which those rights accrued or were accruing, under which he or she continues to contribute or by which that entitlement is conferred.

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(5) A person who becomes an employee of the Trust because of the operation of subclause (2) shall be regarded as an employee of the former manager, and the Trust shall be regarded as the employer, for the purposes of the superannuation scheme to which he or she is entitled to contribute under this clause.

25 (6) If an employee of the former manager would, but for this subclause, be entitled under subclause (3) to contribute to a superannuation scheme or to receive any payment, pension or gratuity under the scheme—

(a) he or she is not so entitled on becoming a contributor to any other superannuation scheme; and

30 (b) the provisions of subclause (5) cease to apply to or in respect of him or her and the Trust in any case where he or she becomes a contributor to any such other superannuation scheme.

(7) Subclause (6) does not prevent the payment to an employee of the former manager (on his or her ceasing to be a contributor to a superannuation scheme) of such amount as would have been payable to him or her if he or she had ceased, because of resignation, to be such a contributor.

35

(8) An employee of the former manager is not, in respect of the same period of service, entitled to dual benefits of the same kind through the operation of this clause.

**Regulations**

40 6. (1) The Governor may make regulations which contain provisions of a savings or transitional nature consequent on the enactment of this Act.

(2) Any such provision may, if the regulations so provide, take effect from the date of assent to this Act or a later day.

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SCHEDULE 3—SAVINGS AND TRANSITIONAL PROVISIONS—*continued*

(3) To the extent to which any such provision takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as—

- 5 (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication; or
- (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication.

