

Manfeild Park Bill

Private Bill

Explanatory note

General policy statement

Historically, Manfeild Park has been owned by three separate entities: the Manawatu District Council; the Feilding, Industrial Agricultural and Pastoral Association; and the Manawatu Car Club Incorporated. In order to allow for future development and the expansion of Manfeild Park in an integrated manner, ownership of Manfeild Park is to be retained by the Manfeild Park Trust. This bill provides for the transfer of ownership by the Association, ongoing use of the land rights for the Association, and a mechanism for the appointment and removal of trustees of the Manfeild Park Trust.

Clause by clause analysis

Clause 1 is the Title clause.

Clause 2 is the commencement clause. The Act is to commence on the day after it receives the Royal assent.

Clause 3 sets out the purpose of the bill. Its purpose is—

- (a) to authorise the Association to transfer the land to the Trust; and
- (b) to provide for certain matters relating to or arising from the transfer of the land; and
- (c) to establish an electoral college to appoint and remove trustees of the Trust.

Clause 4 defines terms used in the bill.

Clause 5 requires the owners of the land comprising Manfeild Park to transfer the land to the Manfeild Park Trust for the consideration specified in respect of each owner. Subclause (3) provides that the

transfers are authorised despite any other enactment, the deed of trust establishing the Manfeild Park Trust, and the rules of the Club.

Clause 6 requires the three owners to apply the consideration received for the transfers by way of limited recourse loans back to the Manfeild Park Trust at the home loan lending rate offered by the Bank of New Zealand on a specified date. Subclause (5) provides that the loans are repayable only if the Manfeild Park Trust is placed into liquidation. The limited recourse loans are to rank equally among themselves, but behind any other loans made to the Manfeild Park Trust.

Clause 7 provides for exclusive and non-exclusive use of parts of Manfeild Park by the Association in order to allow it to continue to hold the Feilding A and P Show and various other rural events.

Clause 8 establishes an electoral college to appoint and remove trustees of the Manfeild Park Trust. The electoral college may regulate its own procedure subject to the provisions of this clause.

Simon Power

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Preamble

- (1) Manfeild Park is situated within the boundaries of the Manawatu District Council and comprises land which has been separately owned by the Feilding, Industrial Agricultural and Pastoral Association, the Manawatu District Council, and the Manawatu Car Club Incorporated: 5
- (2) The Association, Council, and Club wish to develop, improve, and manage Manfeild Park for recreational leisure-time activities, sports days, field days, and other events in an integrated manner, but it is not practical to do so without the land being under the control of one entity: 10
- (3) There are legislative and other limitations that prevent or raise doubts as to the power to restructure the ownership and management of the land in this way:
- (4) The objects of this Act,—
 - (a) in relation to the Association, cannot be attained otherwise than by legislation; and 15
 - (b) in relation to the Council and the Club, can be attained otherwise than by legislation, but are so integral to the objects in relation to the Association that it is desirable for this Act to deal with these matters together: 20

The Parliament of New Zealand therefore enacts as follows:

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- 1 Title**
This Act is the Manfeild Park Act **2005**.
- 2 Commencement**
This Act comes into force on the day after the date on which it receives the Royal assent. 5
- 3 Purpose**
The purpose of this Act is—
- (a) to authorise and require the Association to transfer the land to the Manfeild Park Trust; and
 - (b) to provide for certain matters relating to or arising from the transfer of the land; and 10
 - (c) to provide for an electoral college to appoint and remove trustees of the Manfeild Park Trust.
- 4 Interpretation**
In this Act, unless the context otherwise requires,— 15
- Association** means the Feilding, Industrial Agricultural and Pastoral Association, being an association incorporated under the Agricultural and Pastoral Societies Act 1908
- Club** means the Manawatu Car Club (Incorporated), being an incorporated society under the Incorporated Societies Act 1908 20
- Council** means the Manawatu District Council
- Manfeild Park** means the land described in the Schedule
- Manfeild Park Trust** means the trust—
- (a) constituted by deed dated 13 August 2004; and 25
 - (b) registered as a charitable trust board under the Charitable Trusts Act 1957.
- 5 Transfer of land**
- (1) As soon as practicable after the commencement of this Act, the Association must transfer the land described in **Part 1** of the **Schedule** to the Manfeild Park Trust for a consideration of \$558,000 plus goods and services tax payable (if any). 30
 - (2) On or before the transfer of land referred to in **subsection (1)**,—

- (a) the Council must transfer the land described in **Part 2** of the **Schedule** to the Manfeild Park Trust for a consideration of \$1,650,000 plus goods and services tax payable (if any); and
- (b) the Club must transfer the land described in **Part 3** of the **Schedule** to the Manfeild Park Trust for a consideration of \$1,945,000 plus goods and services tax payable (if any). 5
- (3) **Subsections (1) and (2)** apply despite any other enactment, the deed of trust establishing the Manfeild Park Trust, and the rules of the Club. 10
- 6 Limited recourse loans**
- (1) The Association must apply the consideration referred to in **section 5(1)** by way of a limited recourse loan to the Manfeild Park Trust. 15
- (2) The Council must apply the consideration referred to in **section 5(2)(a)** by way of a limited recourse loan to the Manfeild Park Trust.
- (3) The Club must apply the consideration referred to in **section 5(2)(b)** (less liabilities agreed to by the Association, the Council, and the Club) by way of a limited recourse loan to the Manfeild Park Trust. 20
- (4) Interest is payable on the limited resource loans at the home loan lending rate offered by the Bank of New Zealand—
- (a) on 24 September each year; or 25
- (b) if that date falls on a day on which the Bank is not open for business in Palmerston North, on the next day on which it is open for business in Palmerston North.
- (5) The limited recourse loans are repayable only on the date (if any) an order is made by the High Court under the Charitable Trusts Act 1957 placing the Manfeild Park Trust into liquidation. 30
- (6) The limited recourse loans and any accrued interest on them are unsecured and—
- (a) rank equally among themselves; but 35
- (b) rank behind any other loans made to the Manfeild Park Trust.

- 7 Use of facilities by Association**
- (1) The Association has exclusive use of the office attached to the hall on the land described in **Part 1** of the **Schedule**.
- (2) However, the Association has non-exclusive use of the committee room and toilets located in the office referred to in **subsection (1)**. 5
- (3) The Association has exclusive use of Manfeild Park for 15 days in each calendar year for its activities, plus a reasonable time to establish and remove any temporary facilities used for those activities. 10
- (4) The Association's activities include (but not by way of limitation)—
- (a) the Feilding A and P Show:
 - (b) sheep and ram sales:
 - (c) an open day for mohair producers: 15
 - (d) shearing championships:
 - (e) cattle shows.
- (5) The days on which the Association is to have exclusive use of Manfeild Park are to be agreed with the Manfeild Park Trust by— 20
- (a) the end of January in relation to days occurring in the rest of that year:
 - (b) the end of the preceding year in relation to days occurring in January.
- 8 Electoral college** 25
- (1) This section establishes an electoral college to be called the Manfeild Park Trust Electoral College.
- (2) The electoral college comprises 6 members.
- (3) The Association, Council, and Club is each entitled to appoint 2 members to the electoral college. 30
- (4) Each member of the electoral college holds office at the pleasure of the person that appointed the member.
- (5) At its first meeting, the electoral college must elect a chairperson from its members. The chairperson must preside at all meetings of the electoral college at which he or she is present. 35
In the absence of the chairperson from any meeting, the other members present must elect one of their number to be the chairperson of the meeting.

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- (6) At a meeting of the electoral college a quorum comprises the following members:
 - (a) 1 member appointed by the Association; and
 - (b) 1 member appointed by the Council; and
 - (c) 1 member appointed by the Club. 5
 - (7) The powers of the electoral college are not affected by a vacancy in its membership.
 - (8) The function of the electoral college is to appoint and remove trustees of the Manfeild Park Trust. An appointment or removal must be decided by majority vote of the members. In the case of an equality of votes, the person presiding has both a deliberative and a casting vote. 10
 - (9) Subject to this section, the electoral college may regulate its own procedure.
 - (10) The deed of trust constituting the Manfeild Park Trust applies, subject to this section. 15
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Schedule
Description of land comprising Manfeild Park

Part 1
Part owned by Association

All that parcel of land described in certificates of title 58A/102, 42C/25, and 42C/24 (Wellington Registry). 5

Part 2
Part owned by Council

All that parcel of land described in certificates of title 58A/103, 314/3, and 42C/26 (Wellington Registry). 10

Part 3
Part owned by Club

All that parcel of land described in certificates of title 42A/262, 21D/992, 13C/361, and 41A/280 (Wellington Registry).

