

LOTS 5 AND 49, GREAT EASTERN HIGHWAY, BELMONT

**885. Hon JIM SCOTT to the minister representing the Attorney General:**

With regard to the charitable trust that covers the dealings with land at Ascot formerly known as Grove Farm and comprising lots 5 and 49 Great Eastern Highway, Belmont -

- (1) Is the Attorney aware that the terms of the trust require the land to be used for the purposes of public recreation and enjoyment and for those purposes only?
- (2) Is the Attorney aware that the Belmont City Council has sold or attempted to sell all or any part of the trust land for purposes at odds with the terms of the trust?
- (3) Will the Attorney General confirm that City of Belmont lawyers are negotiating a variation to the trust scheme with the Crown Solicitor's Office?
- (4) Will the Attorney General agree to a variation that allows the land to be sold for development purposes?
- (5) What if any public process has been or will be followed to allow public input to any variation of the trust terms?

**Hon NICK GRIFFITHS replied:**

I thank the member for some notice of this question. I understand notice was given on 10 April of this year. I am advised that the answer that I am about to give is current as at 5 May. I do not know whether there has been any change in the past day. It is a long time between the question being given notice of and being asked. The Attorney General has provided the following response -

- (1) Yes.
- (2) The Attorney General is aware that some time ago the City of Belmont entered into a contract to sell part of the trust land but that this contract was subject to a condition that the City of Belmont had the right to sell the land.
- (3) Discussions have taken place over a period of time between the Crown Solicitor's Office and the solicitors for the City of Belmont about proposed variations of the terms of the trust and those discussions are continuing.
- (4) The Attorney General will consider any scheme for the variation of the terms of the trust on its merits in accordance with section 10 of the Charitable Trusts Act 1962.
- (5) Any scheme for the variation of the terms of the trust must be approved by the Supreme Court in accordance with the Charitable Trusts Act 1962. Under section 11 of the Act, notice of any application for approval of a scheme must be advertised in a daily newspaper and in the *Government Gazette*. Under section 10(3) of that Act, any scheme, the application for approval and the Attorney General's report are open for inspection by the public. Section 12 of the Act makes provision for persons wishing to oppose a scheme for which an application for approval has been made to the court.