

Media Statement

1 August 2022

The High Court Judgment of Spillane vs Cornwall Park Trust Board is a moral victory for the events industry and many thousands of SME business exhibitors whose livelihoods have been at stake from the recent closure of the Auckland Showgrounds. It will also be a win for the more than one million annual visitors who care deeply that the exhibitions they frequent will surely soon be back up and running at the historic Auckland Showgrounds.

A copy of the Judgment is [here](#)

Brent Spillane plaintiff of the case explains “We have maintained there are strong protections on this land for exhibitions and events to have priority over other activities and that events (new and old) cannot be displaced - and that point has been clearly upheld by Justice Peters.”

In the coming days Her Honour is expected to issue a Final Ruling and orders that should confirm the Agreement to Lease signed by Cornwall Park Trust (CPT) and Xytech Studio Management was beyond CPT’s lawful powers, along with other clarifications Spillane has been seeking.

“We now implore CPT to get on with the task of leasing the site to the remaining compliant lease bid option on the table; that being a very strong sustainable events industry supported lease offer from Coast Group. Our counsel has successfully argued it is their quasi-civic duty - to their single Trust Deed and to the people of New Zealand who have enjoyed live events on this land for over 150 years.”

Spillane, who is Managing Director of XPO Exhibitions the largest hirer of the Auckland Showgrounds, points further that if CPT were to move on new permutations of agreement with Xytech that purport to comply with the Judge’s ruling - then they would be doing so under a very watchful eye of the High Court and a million visitors who enjoy recreation and events on this land each year. He suggests that the Attorney General may well show a keen interest too with the fresh High Court Judgment in hand and clear powers to commence or join in proceedings concerning the affairs of charitable trusts.

The Judgment confirms much of what the Auckland Unitary Plan Precinct states in that events are primary on the Showgrounds and filming is classified as a lower secondary activity. “This asserts a continuation of what has been occurring for years at the Showgrounds, with Events having a clear priority and Filming fitting in occasionally in between our historically scheduled events.”

“We’ve maintained that Events as a primary activity cannot be displaced by filming, and this goes a long way to confirming the same supported by the Cornwall Park Recreation and Endowment Act 1982.”

(Area B protections within the 1982 Act represent roughly 5 hectares of the 8 hectares making up the Auckland Showgrounds. This includes the entirety of Hall 6, the historic grandstand, the main carpark, the main building concourse, commercial kitchens and café, seminar rooms and slices diagonally through the main exhibitions halls 1-4).

CPT may well face further legal proceedings if *any film studio company* were granted any temporary licence to occupy or lease over Area B - when their commercial interests, and skill sets are clearly not aligned with complying with the Judgment says Spillane. “As plaintiff I intend to continue legal proceedings to ensure these protections translate into the resurrection of *all* exhibitions (new and old) for this site.”

“We say to CPT that with this final ruling on its way and moving clearly in favour of events, it’s time to get on with the business of finalising a compliant events-backed Coast Group lease (or any alternate non-film studio lease bid) and running these iconic shows at this exhibitions venue through such a compliant lessee - not a film studio working with substantial overseas film and television productions. It would in my opinion be a ruse and a mockery to the Justice system to suggest otherwise.”

The Trust Board he says will point to reports of overdue ‘scheduled maintenance’ for the site. Ironically Spillane says his company XPO and other event organisers have been primed and ready to pay more than \$1.35m in venue rent for a swag of events in the coming 6 weeks alone if CPT would simply re-open the gates - a convenient figure that would pay for the entirety of urgent maintenance needed on what are currently certified compliant exhibition halls (and which can with little doubt be safely scheduled as maintenance in the low events months over November to February).

“What is astonishing to our loyal exhibitor SME businesses is that while these buildings remain vacant, this substantial revenue (for the venue) will evaporate along with the recreational enjoyment of many tens of thousands of business and consumer visitors/fans missing out in shows such as the Auckland Food Show this year!”

In the meantime his company XPO has been forced to re-locate two smaller shows, The Baby Show and Spring Gift & Homewares Fair, to other venues around Auckland, however those same options are not available anywhere within the Auckland isthmus on the scale required for larger upcoming events such as The Auckland Food Show and FoodTech PackTech.

“We’ve even resorted to exploring the creation of a ‘marquee city’ in the Alexandra Park Raceway carpark adjacent to the Auckland Showgrounds. Can you imagine 15,000sqm of canvas mid-winter overlooking vacant purpose built, taxpayer funded exhibition halls and showgrounds next door?”

Spillane goes on to say that option and others were simply unviable and would have meant appropriating marquees intended for other regional events and the sheer amount of equipment needed including diesel powered generators, temporary flooring, mobile toilet structures made the cost of the exercise prohibitive.

Meanwhile Tataki Auckland Unlimited have offered to assist CPT and the events industry. Ideas mooted have included 'parachuting in' event services and logistics from their other stadiums as an interim solution – at least while longer term options are finalised by CPT. None of those options however have been adopted by CPT. "The upcoming shows normally scheduled at this venue are essentially sold out and visitor demand for our events has never been stronger yet the venue remains closed. Our recent shows held prior to CPT's 30 June shutdown of the site had record attendances."

Spillane himself has just returned from the US where he says exhibitions and events are similarly back and booming. Face-to-face expos are contributing strongly to economic recovery, and the same can be said across Australia.

"As an esteemed industry colleague pointed out, 'Trade Shows and Exhibitions have survived world wars, the bubonic plague, the Spanish Flu and many other epidemics and pandemics. Two decades ago, trade shows were going to be wiped out by the internet. They were not replaced by Guttenberg's printing press, not radio, nor TV, not social media and they will continue as they have for eight centuries.' People are craving a return to events. New Zealand needs this vital exhibition venue infrastructure back online as it has been so for over 150 years. We cannot accept displacement to filming."

With a favourable High Court ruling under their belt, both Spillane and the industry remain confident that sense will prevail and a lease to a compliant events-focused lessee will eventually unfold.

"With the greatest respect to Cornwall Park Trust and its esteemed Board and to the legacy of Sir John Logan-Campbell, it's time to re-open the Showgrounds gates and let our communities reconnect with live events. Let the shows go on!"

Statement Ends

XPO Exhibitions Ltd is New Zealand's largest exhibitions organiser with a portfolio of 18 Business to Business and Business to Consumer shows covering a myriad of high growth sectors. www.xpo.co.nz

Brent Spillane is Managing Director of XPO Exhibitions Ltd and elected Chairman of the New Zealand Gift Trade Association.

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