

Melbourne and Olympic Parks (Amendment) Bill

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LEGISLATIVE ASSEMBLY

Read 1° 27 April 1995

(Brought in by Mr Reynolds and Mr McGrath (Wimmera))

A BILL

to amend the **National Tennis Centre Act 1985** to change the title of that Act to the **Melbourne and Olympic Parks Act 1985**, to replace the National Tennis Centre Trust with the Melbourne and Olympic Parks Trust, to make provision for the administration of Olympic Park and further provision for the administration of the National Tennis Centre, to amend the **Melbourne Cricket Ground Act 1933** to make further provision for the appointment of deputies as trustees and other matters, to amend the **Melbourne Cricket Ground Act 1984** and for other purposes.

Melbourne and Olympic Parks (Amendment) Act 1995

The Parliament of Victoria enacts as follows:

PART 1—PRELIMINARY

1. *Purposes*

The purposes of this Act are to—

- 5 (a) amend the **National Tennis Centre Act 1985**
to—

Section headings appear in bold italics and are not part of the Act.
(See **Interpretation of Legislation Act 1984**.)

Melbourne and Olympic Parks (Amendment)

- (i) change the title of that Act to the **Melbourne and Olympic Parks Act 1985**;
- (ii) replace the National Tennis Centre Trust with the Melbourne and Olympic Parks Trust; 5
- (iii) provide for the administration of Olympic Park and further provide for the administration of the National Tennis Centre; 10
- (b) amend the **Melbourne Cricket Ground Act 1933** to further provide for the appointment of deputies for Trustees and other matters; and
- (c) amend the **Melbourne Cricket Ground Act 1984**; 15
- (d) make other related provisions.

2. Commencement

- (1) Section 1 and this section come into operation on the day on which this Act receives the Royal Assent.
- (2) Subject to sub-section (3), the remaining provisions of this Act come into operation on a day or days to be proclaimed. 20
- (3) If a provision referred to in sub-section (2) does not come into operation within the period of 12 months beginning on, and including, the day on which this Act receives the Royal Assent, it comes into operation on the first day after the end of that period. 25

PART 2—THE NATIONAL TENNIS CENTRE ACT

3. Principal Act

In this Part and in Part 3 the **National Tennis Centre Act 1985** is called the Principal Act. 30

4. *Insertion of Part heading*

Before section 1 to the Principal Act **insert—**

“PART 1—PRELIMINARY”.

5. *Change of short title*

5 In section 1 of the Principal Act, for **“National Tennis Centre Act 1985”** substitute **“Melbourne and Olympic Parks Act 1985”**.

6. *Substitution of Purposes*

10 In section 3 of the Principal Act, for paragraphs (a) to (c) **substitute—**

“(a) to create a Melbourne and Olympic Parks Trust to administer the National Tennis Centre and Olympic Park for the purposes of tennis, other sports, recreation and entertainment; and

15 (b) to provide for the management and operation of the National Tennis Centre and Olympic Park; and

(c) to provide for the use and promotion of the National Tennis Centre and Olympic Park.”.

20 7. *Amendment of definitions*

In section 4 of the Principal Act—

(a) **insert** the following definitions—

“**Melbourne Park**” includes the national tennis centre land;

25 “**National Tennis Centre**” means the national tennis centre land at Melbourne Park and the facilities for the purposes of tennis, other sports, recreation and entertainment on that land;

30 “**Olympic Park**” means the olympic park land and the facilities for the purposes of sport, recreation and entertainment on that land;

“**olympic park land**” means the land described in Part 5 of the Schedule;’;

- (b) the definition of “**Centre**” is **repealed**;
- (c) in the definition of “**Member**”, for “National Tennis Centre Trust and includes the Chairperson” **substitute** “Melbourne and Olympic Parks Trust and includes the chairperson and a person appointed to act as a member or chairperson”; and 5
- (d) in the definition of “**Trust**” for “National Tennis Centre Trus” **substitute** “Melbourne and Olympic Parks Trust”. 10

8. Insertion of new Parts 2 and 3—Reconstitution of Trust

For sections 5 to 16 of the Principal Act **substitute**—

“PART 2—CONSTITUTION OF THE TRUST 15

5. Establishment of Trust

- (1) There is established a Trust to be called the Melbourne and Olympic Parks Trust.
- (2) The Trust—
 - (a) is a body corporate with perpetual succession; and 20
 - (b) has a common seal; and
 - (c) may sue and be sued in its corporate name; and
 - (d) may acquire, hold and dispose of real and personal property; and 25
 - (e) may do and suffer all acts and things that a body corporate may, by law, do and suffer.
- (3) The common seal must be kept as directed by the Trust and must not be used except as authorised by the Trust. 30

- (4) All courts must take judicial notice of the seal of the Trust on a document and, until the contrary is proved, must presume that the document was properly sealed.

5 **6. Powers and functions**

- (1) The Trust has the following functions—

- 10 (a) to be responsible for the care, improvement, use and promotion of the National Tennis Centre and Olympic Park as facilities for tennis, other sports, recreation and entertainment;
- 15 (b) to operate the National Tennis Centre and Olympic Park efficiently and effectively to obtain the best possible use of the facilities;
- 20 (c) to provide planning for the operation of the National Tennis Centre and Olympic Park which is co-ordinated between the two facilities;
- 25 (d) to be responsible for proper financial management of the National Tennis Centre and Olympic Park;
- (e) having first obtained the approval of the Minister, to enter into agreements or arrangements to operate other facilities;
- 30 (f) to accept appointment and act as a Committee of Management of Crown lands.

- (2) The Trust has all the powers necessary to enable it to perform its functions.

- 35 (3) The Minister may give the Trust directions in relation to the carrying out of its functions under this Act.

- (4) The Trust must comply with the directions of the Minister in carrying out its functions under this Act.

7. Further powers

Without limiting section 6 (2), the Trust has the power to do all or any of the following—

- (a) in the case of the National Tennis Centre and Olympic Park— 5
 - (i) subject to the consent of the Minister administering the **Crown Land (Reserves) Act 1978**, grant leases of the whole or any part of the National Tennis Centre or Olympic Park; 10
 - (ii) grant licences or permits for the use or development of the whole or any part of the National Tennis Centre or Olympic Park; 15
- (b) in any other case, enter into leases;
- (d) appoint agents or engage consultants;
- (e) impose a fee or charge for— 20
 - (i) entry to the whole or any part of the National Tennis Centre or Olympic Park, whether or not that entry is for the purposes of a particular event or activity or otherwise and whether or not the fee or charge is collected, either in whole or in part, on behalf of another person; or 25
 - (ii) for the use of facilities or services at the National Tennis Centre or Olympic Park; 30
- (f) enter into contracts, agreements or arrangements for the carrying out of its functions, including, but not limited to, contracts agreements or arrangements for the provision of goods or services to the Trust or at 35

the National Tennis Centre or Olympic Park;

5 (g) apply for, obtain and hold, whether on its own behalf or jointly with any other person, any intellectual property rights;

(h) assign or grant licences in respect of those intellectual property rights, with or without charge;

10 (i) enter into agreements and arrangements for commercial exploitation of intellectual property rights.

8. *Membership*

15 The Trust is to consist of 12 members appointed by the Governor in Council of whom—

(a) 9 persons are to be appointed on the nomination of the Minister;

20 (b) 2 persons are to be appointed on the nomination of the Association;

(c) 1 person is to be appointed on the nomination of the Victorian Tennis Association.

25 9. *Membership not an office of profit*

A member of the Trust shall not be taken by reason of being such a member of the Trust to hold an office or place of profit under the Crown which would—

30 (a) prevent the member sitting or voting as a member of the Legislative Council or Legislative Assembly; or

(b) make void the member's election to the Legislative Council or
35 Legislative Assembly; or

(c) prevent the Member continuing to be a member of the Legislative Council or Legislative Assembly; or

(d) subject the member to liability to a penalty under the **Constitution Act 1975**.

5

10. Terms of office

(1) A member of the Trust holds office—

(a) for the period, not exceeding 4 years; and

10

(b) upon the terms and conditions—

specified in his or her instrument of appointment.

(2) A member of the Trust is eligible for reappointment.

15

(3) The **Public Sector Management Act 1992** (except Part 9 or in accordance with Part 8) does not apply to a member in respect of the office of member.

11. Resignation and Removal

20

(1) A member of the Trust may resign the office of member by writing signed by the member and addressed to the Governor in Council.

(2) The Governor in Council may at any time remove a member of the Trust from office.

25

(3) If a member of the Trust dies, resigns or is removed from office, the Governor in Council may, in accordance with this Act, fill the vacant office.

30

12. Chairperson

- 5
- (1) The chairperson must be appointed by the Governor in Council from the members of the Trust.
- (2) The chairperson holds that office for the term specified in his or her instrument of appointment and is eligible for reappointment.
- 10
- (3) The chairperson may resign that office by writing signed by him or her and addressed to the Governor in Council.
- (4) The Governor in Council may at any time remove the chairperson from office.
- 15
- (5) The chairperson ceases to hold that office on ceasing to be a member of the Trust.

13. Acting member

- 20
- (1) If a member of the Trust is unable to perform the duties or functions of his or her office, the Governor in Council may appoint a person qualified to be appointed to that office to act in that office during the period of inability.
- (2) The Governor in Council—
- 25
- (a) subject to this Act, may determine the terms and conditions of appointment of an acting member; and
- (b) may at any time terminate the appointment.
- 30
- (3) While the appointment of an acting member remains in force, the acting member has and may exercise all the powers and perform all the duties and functions of the office in which that
- 35
- person is acting.

14. Payment of members

- (1) A member other than a member who is—
- (a) a Minister; or
 - (b) an officer or employee of the public service within the meaning of the **Public Sector Management Act 1992**; or 5
 - (c) an employee of the Association or of the Victorian Tennis Association—
- is entitled to receive the fees, if any, that are fixed from time to time by the Governor in Council for that member. 10
- (2) A member is entitled to receive the allowances that are fixed from time to time by the Governor in Council. 15

15. Procedure of Trust

- (1) The chairperson or, in the absence of the chairperson, a person appointed as acting chairperson, must preside at a meeting of the Trust at which he or she is present. 20
- (2) If neither the chairperson nor an acting chairperson is present at a meeting the members present may elect a member to preside at the meeting.
- (3) A question arising at a meeting of the Trust is to be determined by a majority of votes of the members who are present and voting on that question. 25
- (4) The person presiding at a meeting has a deliberative vote and a second or casting vote. 30
- (5) A majority of the members of the Trust currently holding office constitutes a quorum.

- (6) Except as otherwise provided for in this Act, the Trust may regulate its own proceedings.

16. Convening of meetings

- (1) The Trust must hold at least 4 meetings in any calendar year.
- (2) The chairperson must convene the meetings of the Trust.
- (3) The chairperson must convene a meeting of the Trust if the chairperson has received a written request from at least 2 members to hold a meeting.

16A. Effect of vacancy or defect

An act or decision of the Trust is not invalid only because—

- (a) of a vacancy in its membership; or
- (b) of a defect or irregularity in the appointment of any of its members; or
- (c) in the case of an acting member, the occasion for that member so acting had not arisen or had ceased.

16B. Member's pecuniary interest

- (1) A member who has a pecuniary interest in any matter in which the Trust is concerned must—
- (a) if the member is present at a meeting of the Trust at which the matter is to be considered, disclose the nature of the interest immediately before the consideration of that matter; or
- (b) if the member is aware that the matter is to be considered at a meeting of the Trust at which the

member does not intend to be present, disclose the nature of the interest to the chairperson before the meeting is held.

- (2) The member— 5
- (a) may take part in the discussion of the matter in the meeting with the consent of the Trust; and
- (b) must leave the meeting while any vote is taken on a question relating to the matter. 10

16C. Immunity

- (1) A member is not personally liable for anything done or omitted to be done in good faith— 15
- (a) in the exercise of a power or the discharge of a duty under this Act; or
- (b) in the reasonable belief that the act or omission was in the exercise of a power or the discharge of a duty under this Act. 20
- (2) Any liability resulting from an act or omission that would but for sub-section (1), attach to a member of the Trust, attaches instead to the Trust. 25

16D. Staff

- (1) The Trust may appoint a person approved by the Minister as the Secretary to the Trust.
- (2) The Trust may employ any other persons that are necessary for the purposes of the administration of the Trust and the carrying out of its powers and functions. 30

16E. Delegation

5 The Trust may, in writing delegate its powers or functions under this or any other Act, other than this power to delegate, to—

- (a) a member of the Trust; or
- (b) a sub-committee of the Trust comprised—
 - 10 (i) entirely of members of the Trust; or
 - (ii) of the Secretary and otherwise entirely of members of the Trust; or
- (c) the Secretary.

15 **16F. Business plan**

- (1) The Trust must prepare a business plan each year.
- (2) The Trust must give a copy of the proposed business plan to the Minister on or before the date in the year determined by the Minister.
- (3) The proposed business plan must be in or to the effect of a form approved by the Minister and must include—
 - 25 (a) a statement of corporate intent, being information about the objectives, main undertakings, activities, accounting policies and performance measures of the Trust;
 - (b) financial statements containing information requested by the Minister;
 - (c) such other matters as the Minister directs.
- (4) The Trust must consider any comments on
35 the proposed plan that are made to it by

the Minister within 2 months after the plan was submitted to the Minister.

- (5) The Trust must consult in good faith with the Minister following communication to it of the comments, must make any changes to the plan that are agreed between the Minister and the Trust and must deliver the completed plan to the Minister within 3 months after the plan was submitted to the Minister. 5
10

PART 3—PARTICULAR PROVISIONS WITH RESPECT TO THE NATIONAL TENNIS CENTRE

16G. *Management of the National Tennis Centre*

- (1) The Trust must engage the Association to manage the National Tennis Centre. 15
- (2) The Association must manage the National Tennis Centre in accordance with the terms and conditions of this Act and any other terms and conditions that are agreed upon by the Trust and the Association. 20
- (3) The Association must employ a manager for the National Tennis Centre and may employ any other persons that are necessary to enable it to carry out its functions, powers and duties under this Act. 25
- (4) The manager employed under sub-section (3) must be a person approved by the Trust for that purpose before his or her appointment. 30
- (5) If so requested by the Trust, the manager must report to the Trust on any matter relating to the carrying out of the manager’s duties. 35

(6) The Association may determine the terms and conditions of employment of the manager and any other persons employed by it.

5 (7) The Trust must pay the costs of the management of the National Tennis Centre by the Association, including the costs of employing a manager and any other persons employed under sub-section
10 (3).

16H. Association to assist Trust

15 The Association must give any assistance or information that is reasonably required by the Trust or the Secretary to enable the Trust to carry out its functions, powers and duties under this Act.

16I. Delegation

20 The Trust may, in writing, delegate to the Association its powers with respect to the National Tennis Centre other than—

- (a) its powers under section 18; and
- (b) this power to delegate.

16J. Accounting

25 The Association must ensure that there are kept—

- (a) proper accounts and records of the receipts and disbursements of moneys received and disbursed on behalf of the Association in the exercise of its powers, duties or functions under this Act or any agreement entered into under this Act; and
- 30

(b) any other records that are necessary to sufficiently explain the financial operations and financial position of the Association in so far as those operations and that position are related to the exercise of its powers, duties or functions under this Act or any agreement entered into under this Act.” 5

9. Insertion of Part heading 10

Before section 17 of the Principal Act **insert—**

“PART 4—FINANCIAL AND GENERAL PROVISIONS”.

10. The National Tennis Centre Fund

In section 17 of the Principal Act— 15

(a) in sub-section (2) (c), after “Trust” **insert** “in respect of the National Tennis Centre”; and

(b) in sub-section (3)—

(i) in paragraph (a), after “powers of the Trust” **insert** “with respect to the National Tennis Centre”; and 20

(ii) for paragraph (c) **substitute—**

“(c) in payment of the cost of the management of the National Tennis Centre including the costs of employing a manager and any other persons employed under section 16G (3);” 25

11. Insertion of new section to follow section 17

After section 17 of the Principal Act **insert—** 30

“17A. The Olympic Park Fund

- (1) The Trust shall establish and maintain a fund to be called the Olympic Park Fund.
- (2) There shall be paid into the Fund—
 - (a) fees paid to or received by the Trust by or from persons for the right to use or attend Olympic Park;
 - (b) income received by the Trust from the investment of moneys in the Fund; and
 - (c) all other moneys received by or paid to the Trust, except moneys received by or paid to the Trust with respect to the National Tennis Centre.
- (3) Moneys in the Fund may be applied only—
 - (a) in payment or discharge of the debts and liabilities of the Trust in or in connection with the performance and exercise of the functions and powers of the Trust, except in connection with the performance and exercise of the functions and powers of the Trust with respect to the National Tennis Centre;
 - (b) in payment of the cost of the management of Olympic Park including the costs of employing persons for the purposes of managing Olympic Park;
 - (c) in payment of fees and allowances payable to members;
 - (d) in payment of any other amount authorised or required to be paid out of the Fund under this Act or agreed by the Trust and the Minister to be paid out of the Fund.
- (4) The Trust may invest any money in the Fund in any manner approved by the Treasurer.

- (5) The Trust may open and maintain one or more accounts in the name of the Trust with any bank or banks within the meaning of the Banking Act 1959 of the Commonwealth or a bank constituted by a law of a State or of the Commonwealth.” 5

12. *Guarantees*

In section 18A of the Principal Act—

- (a) in sub-section (1), for “the centre or any part of it” **substitute** “the National Tennis Centre or Olympic Park or any part of the Centre or Park”; 10
and
- (b) in sub-section (2), for “the centre or any part of it” **substitute** “the National Tennis Centre or Olympic Park or any part of the Centre or Park”. 15

13. *Regulations*

In section 22 (1) of the Principal Act, for paragraphs (a), (b) and (c) **substitute**—

- “(a) the control, management and use of the National Tennis Centre or Olympic Park; 20
- (b) the prohibition or regulation of any activity at the National Tennis Centre or Olympic Park;
- (c) the protection of people at the National Tennis Centre or Olympic Park from injury or nuisance;”. 25

14. *Powers of removal*

In section 22A of the Principal Act—

- (a) in sub-section (1), for “from the Centre or the National Tennis Centre land” **insert** “from the National Tennis Centre or Olympic Park”; and 30
- (b) in sub-section (2), for “from the Centre or the National Tennis Centre land” **insert** “from the National Tennis Centre or Olympic Park”.

15. Insertion of Part heading

Before section 23 of the Principal Act insert the following heading—

“PART 5—MELBOURNE PARK”.

5 **16. Insertion of new Part 6**

After section 30 of the Principal Act insert the following Part—

“PART 6—OLYMPIC PARK LAND

31. Olympic Park Reservation

10 (1) Despite anything to the contrary in the
Order in Council specified in Part 5 of the
Schedule, the purposes of the reservation
specified in that Order in Council are
15 deemed to be public purposes, being in
particular the purposes of sport, recreation
and entertainment.

(2) On the coming into operation of this
section—

20 (a) the appointment of any committee of
management is revoked to the extent
that it applies to the land referred to
in the Order in Council specified in
Part 5 of the Schedule; and

25 (b) any regulations made under section
13 of the **Crown Land (Reserves)
Act 1978** are revoked to the extent
that they apply to that land.

**32. Registrar-General and Registrar of Titles to
make necessary amendments to records**

30 (1) The Registrar-General must make all entries
on the records of enrolment of any Crown
grant and on any memorial relating to
land that are necessary because of the
operation of any provision of this Part.

- (2) The Registrar of Titles must make any amendments to the Register under the **Transfer of Land Act 1958** that are necessary because of the operation of any provision of this Part.”

5

17. Insertion of new Part in Schedule

In the Schedule to the Principal Act, after Part 4 insert the following Part—

“Part 5

Land as to which reservations are affected by Part 6 of this Act				
Situation and area of land	Instrument and Date of Reservation	Description of land by reference to the Government Gazette	Purpose of Reservation	Extent of Revocation
East Melbourne, City of Melbourne, Parish of Melbourne North, County of Bourke, 10.40 hectares, being Crown Allotment 2, Section 19D	Order in Council 17 March 1970	11 February 1970, page 375, and 25 March 1970, page 831	Site for recreation, convenience and amusement of the people and children’s playground	The entire reserve

PART 3—TRANSITIONAL—NATIONAL TENNIS CENTRE AND OLYMPIC PARK

10

18. Definitions

In this Part—

“Centre” has the same meaning as in section 4 of the Principal Act immediately before the commencement of section 7;

15

“committee” means the committee of management known as Olympic Park Management and incorporated under the **Crown Land (Reserves) Act 1978** by Order in Council of 23 June 1981;

5 “National Tennis Centre” has the same meaning as in section 4 of the Principal Act as in force on and from the commencement of section 7;

10 “National Tennis Centre Fund” means the fund established under section 17 of the Principal Act as in force on and from the commencement of section 10;

15 “new Trust” means the Melbourne and Olympic Parks Trust established under the **Melbourne and Olympic Parks Act 1985** on and from the commencement of section 8;

“old Trust” means the National Tennis Centre Trust established under the **National Tennis Centre Act 1985** immediately before the commencement of section 8;

20 “Olympic Park fund” means the fund established under section 17A of the Principal Act as in force on and from the commencement of section 11.

19. Trust succeeds old Trust

- 25 (1) On the commencement of section 8—
- (a) the old Trust is abolished and its members go out of office; and
 - (b) the new Trust is the successor in law of the old Trust; and
 - 30 (c) all rights, assets, liabilities and obligations of the old Trust, immediately before its abolition, become rights, assets, liabilities and obligations of the new Trust; and
 - 35 (d) the new Trust is substituted for the old Trust as a party to any proceeding, contract, agreement or

- arrangement commenced or made by, against or in relation to the old Trust; and
- (e) the new Trust may continue and complete any other continuing matter or thing commenced by, against or in relation to the old Trust; and 5
- (f) any reference to the old Trust in—
- (i) an Act other than this Act; or
- (ii) a subordinate instrument within the meaning of the **Interpretation of Legislation Act 1984**; or 10
- (iii) any document whatever—
- must so far as it relates to any period on or after the commencement of this section, and if not inconsistent with the context or subject matter, be taken to be a reference to the new Trust. 15
- (2) On and from the commencement of section 8, the assets that become assets of the new Trust under sub-section (1)—
- (a) if they are moneys or amounts standing to the credit of any fund or account of the old Trust, must be taken to form part of the National Tennis Centre Fund; and 20
- (b) if they are assets in which the funds of the old Trust have been invested, must be taken to be investments of the National Tennis Centre Fund. 25

20. Trust succeeds committee

- (1) On the commencement of section 8—
- (a) the committee is abolished and its members go out of office; and
- (b) the new Trust is the successor in law of the committee; and 30
- (c) all rights, assets, liabilities and obligations of the committee, immediately before its abolition, become rights, assets, liabilities and obligations of the new Trust; and 35

(d) the new Trust is substituted for the committee as a party to any proceeding, contract, agreement or arrangement commenced or made by, against or in relation to the committee; and

5 (e) the new Trust may continue and complete any other continuing matter or thing commenced by, against or in relation to the committee; and

(f) any reference to the committee in—

(i) an Act other than this Act; or

10 (ii) a subordinate instrument within the meaning of the **Interpretation of Legislation Act 1984**; or

(iii) any document whatever—

15 must so far as it relates to any period on or after the commencement of this section, and if not inconsistent with the context or subject matter, be taken to be a reference to the new Trust.

(2) On and from the commencement of section 8, the assets that become assets of the new Trust under sub-section (1)—

20 (a) if they are moneys or amounts standing to the credit of any fund or account of the committee, must be taken to form part of the Olympic Park Fund; and

25 (b) if they are assets in which the funds of the committee have been invested, must be taken to be investments of the Olympic Park Fund.

(3) On and from the commencement of section 8, any guarantee issued by the Treasurer under section 14C of the **Crown Land (Reserves) Act 1978** continues in force as if the new Trust were the Committee of Management in respect of Olympic Park.

30

21. *Committee Staff*

35 A person who, immediately before the commencement of section 8, was a member of the staff of the committee is deemed to be employed by the new Trust on the same terms and conditions and

with the same accrued or accruing entitlements as applied to that person immediately before that commencement.

22. *References*

- (1) In— 5
- (a) an Act;
 - (b) a subordinate instrument within the meaning of the **Interpretation of Legislation Act 1984**; or
 - (c) any document whatever—
- in relation to any period occurring on or after the commencement of section 5 of this Act and unless inconsistent with the context or subject matter, a reference to the **National Tennis Centre Act 1985** must be taken to be a reference to the **Melbourne and Olympic Parks Act 1985**. 10
- (2) In— 15
- (a) an Act; or
 - (b) a subordinate instrument within the meaning of the **Interpretation of Legislation Act 1984**; or
 - (c) any document whatever— 20
- in relation to any period occurring on or after the commencement of section 7 of this Act and unless inconsistent with the context or subject matter, a reference to the Centre must be taken to be a reference to the National Tennis Centre. 25

23. *Continuation of Agreement*

- (1) Despite the abolition of the old Trust, the agreement continues in force on and from the commencement of section 8 as if it is an agreement between the new Trust and the Association. 30
- (2) Subject to the Principal Act and sub-section (3), the new Trust—
- (a) has the rights and powers conferred on the old Trust by the agreement; and

(b) is subject to the obligations of the old Trust under the agreement; and

(c) is responsible for carrying out the agreement.

5 (3) For the purposes of Part 6 of the agreement, all money paid to or expended by the old Trust in the financial year in which this section comes into operation are to be deemed to have been paid to or expended by the new Trust.

(4) In this section—

10 “**agreement**” means the management agreement entered into between the old Trust and the Association and dated 30 December 1993;

“**Association**” has the same meaning as in the Principal Act.

15 **PART 4—MELBOURNE CRICKET GROUND ACT**

24. Principal Act

In this Part the **Melbourne Cricket Ground Act 1933** is called the Principal Act.

25. Substitution of section 5A

20 For section 5A of the Principal Act **substitute—**

“5A. Trustees

(1) The trustees are to be as follows—

(a) two trustees who are to be—

25 (i) the President, for the time being, of the Melbourne Cricket Club;

(ii) the President, for the time being, of the Victorian Cricket Association;

30 (b) one trustee who is to be the Minister administering the **Crown Land**

- (Reserves) Act 1978 or his or her nominee;
- (c) one trustee who is to be the Minister administering the **Sport and Recreation Act 1972** or his or her nominee; 5
- (d) up to 13 trustees appointed by the Governor in Council on the recommendation of the Minister administering the **Crown Land (Reserves) Act 1978** and the Minister administering the **Sport and Recreation Act 1972** who must include— 10
- (i) a person nominated by the Victorian Cricket Association; 15
- (ii) two persons nominated by the Australian Football League;
- (e) any person who has held but is not currently holding the office of Premier. 20
- (2) A member of the Trust appointed under paragraph (d) holds office for the period, not exceeding 4 years, specified in his or her instrument of appointment. 25
- (3) A member of the Trust is eligible for reappointment.
- (4) Despite the amendment of this section by the **Melbourne and Olympic Parks (Amendment) Act 1995** a person who immediately prior to the commencement of section 25 of that Act was a trustee shall, subject to section 6 (1), continue to be a trustee on and after that commencement for the remainder of the period of his or her appointment.”. 30 35

26. Procedural matters

In section 6 of the Principal Act—

- 5 (a) in sub-section (1), **omit** “or, in the case of a trustee appointed by the Governor in Council on or after the commencement of the **Melbourne Cricket Ground Act 1983**, reaches the age of 72 years” and **omit** “but the number of trustees (including the trustees *ex officio*) shall at no time exceed 21”;
- 10 (b) in sub-section (10), for “*ex officio*” **substitute** “holding office under section 5A (1) (a) or (d) (i) or (ii)”.

27. Amendment of regulation making powers

15 In section 9 (1) (c) of the Principal Act, for “\$100” **substitute** “10 penalty units”.

PART 5—AMENDMENT OF THE MELBOURNE CRICKET GROUND ACT 1984

28. Orders of the Minister about floodlights

20 In section 3 of the **Melbourne Cricket Ground Act 1984**, for sub-sections (3) to (6) **substitute**—

- “(3) The floodlights affixed to the floodlight towers must not be operated except in accordance with an order of the Minister under this section.
- 25 (4) The Minister may make an order specifying a day or days on which the floodlights affixed to the floodlight towers may be operated.
- (5) An order under sub-section (4) may make provision for all or any of the following matters—
- 30 (a) times of the day when the floodlights may be used;
- (b) the purpose for which the floodlights may be used;

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- (c) entrance into and exit from Yarra Park Reserve of vehicles on any day when the floodlights may be used;
 - (d) parking of vehicles in Yarra Park Reserve on any day when the floodlights may be used; 5
 - (e) any other relevant matter specified in the order.
- (6) An order under sub-section (4) must be published in the Government Gazette.”. 10