

PROV. RES. COMM. MEMORANDUM
L. 10/13/87

Melbourne and Olympic Parks (Amendment) Bill

EXPLANATORY MEMORANDUM

Outline

The purposes of this Bill are to:

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

Notes on Clauses

Clause 1 sets out the purposes of the Act.

Clause 2 is a commencement provision and provides that Part 1 will come in to operation on the day the Act receives Royal Assent. The remaining provisions come into operation on a day or days to be proclaimed.

Clause 3 defines the **National Tennis Centre Act 1985** as the Principal Act for the purposes of Parts 1 and 3.

Clause 4 makes a consequential amendment to the Principal Act.

Clause 5 changes the short title of the Principal Act to the **Melbourne and Olympic Parks Act 1985**.

Clause 6 substitutes purposes within the Principal Act.

Clause 7 amends current definitions within the Principal Act and inserts additional definitions.

Clause 8 substitutes sections 5 to 16 of the Principal Act with a new Part 2 which details the constitution of the Trust and a new Part 3 which specifies particular provisions with respect to the National Tennis Centre.

Part 2 details, as substituted by clause 8, are as follows:

- section 5 provides for the establishment of the Trust;
- section 6 sets out the Trust's powers and functions;
- section 7 specifies further powers and functions for the Trust in respect of management of the National Tennis Centre and Olympic Park;

- sections 8 to 13 specify the structure of the Trust and terms and conditions of Trust appointments and membership;
- section 14 provides, subject to qualification, for the payment of fees and allowances to members;
- sections 15 and 16 sets out meeting procedures;
- section 16A specifies that vacancy in membership, or irregularity in appointment of members does not invalidate Trust decisions;
- section 16B relates to pecuniary interests;
- section 16c provides immunity for Trust members for anything done or omitted to be done in good faith;
- section 16D allows the Trust to appoint staff;
- section 16E provides for delegation of powers or functions by the Trust; and
- section 16F requires the Trust to prepare a business plan each year for the Minister's approval.

Part 3 details, as substituted by clause 8, are as follows:

- section 16G provides for management of the National Tennis Centre and specifies that the Trust must engage the Lawn Tennis Association of Australia (the Association) to manage the National Tennis Centre subject to defined terms and conditions;
- section 16H specifies that the Association must give reasonable assistance or information required by the Trust or the Secretary;
- section 16I provides power for the Trust to delegate certain powers with respect to the National Tennis Centre to the Association; and
- section 16J specifies that the Association must ensure that proper accounts and other financial records are kept.

Clause 9 inserts a new part heading before section 17 of the Principal Act.

Clause 10 amends the provisions related to the National Tennis Centre Fund.

Clause 11 inserts a new section 17A into the Principal Act establishing the Olympic Park Fund.

Clause 12 amends section 18A of the Principal Act extending guarantee provisions to Olympic Park.

Clause 13 amends section 22 (1) of the Principal Act and extends regulation making powers in respect of Olympic Park.

Clause 14 amends section 22A of the Principal Act and extends powers of removal to Olympic Park.

Clause 15 inserts a new part heading before section 23 of the Principal Act.

Clause 16 inserts a new Part 6 after section 30 of the Principal Act to vary the purpose of the Olympic Park land reservation.

Clause 17 inserts a part 5 into the schedule of the Principal Act detailing land as to which reservations are varied by part six of the Principal Act.

Clause 18 defines certain terms used in this part of the amending Act as they relate to transitional provisions.

Clause 19 provides for the abolition of the old National Tennis Centre Trust and specifies that the new Melbourne and Olympic Parks Trust is the successor in law to the abolished old Trust. This clause also specifies that assets of the old Trust become assets of the new Trust and must be taken to be investments of the National Tennis Centre Fund.

Clause 20 provides for the abolition of the committee of management known as Olympic Park Management and specifies that the new Trust is the successor in law of the abolished committee. This clause also specifies that assets of the committee become assets of the new Trust and must be taken to be investments of the Olympic Park Fund.

Clause 21 specifies that staff of the committee are deemed employees of the new Trust with the same terms and conditions and accrued entitlements as applies previously.

Clause 22 provides for construction of cross-references.

Clause 23 provides for the continuation of the agreement entered into between the old Trust and the Lawn Tennis Association of Australia. This clause also specified that all money paid or expended by the old Trust in the financial year in which the new Trust comes into operation is deemed to have been paid or expended by the new Trust.

Clause 24 defines the Principal Act within the context of Part 4 of the Bill and provides for the amendment of the **Melbourne Cricket Ground Act 1933**.

Clause 25 substitutes section 5A of the 1933 Act in relation to appointments to the MCG Trust.

Clause 26 makes consequential changes to section 6 (1) of the 1933 Act and provides for the appointment of deputy trustees.

Clause 27 increases the maximum penalty for offences against the regulations.

Clause 28 substitutes new sub-sections (3) to (6) within section 3 of the **Melbourne Cricket Ground Act 1984** specifying the powers of the Minister in respect of floodlight operations and other relevant matters.

