

# Melbourne Wholesale Fruit and Vegetable Market Trust (Amendment) Bill

## EXPLANATORY MEMORANDUM

The object of the Bill is to amend the **Melbourne Wholesale Fruit and Vegetable Market Trust Act 1977** to replace the Trust with a new body and to make other amendments to the Act.

*Clause 1* sets out the purpose of the Act.

*Clause 2* contains the commencement provisions.

*Clause 3* defines the expression “Principal Act” for the purposes of the Act.

*Clause 4* changes the name of the Principal Act.

*Clause 5* omits a definition from and inserts new definitions into the Principal Act.

*Clause 6* inserts a new Part II into the Principal Act.

*Section 4* establishes the Melbourne Market Authority. The Authority is a body corporate with perpetual succession, has a common seal, may sue and be sued and may hold personal and real property.

*Section 5* sets out the objects of the Authority.

*Section 6* sets out the functions of the Authority.

*Section 7* sets out the powers of the Authority.

*Section 8* provides that the Authority is to be subject to the direction and control of the Minister and shall provide the Minister with such information relating to its policies and activities as the Minister requests.

*Section 9* provides that the Authority shall have between 3 and 5 members appointed by the Minister.

*Section 10* provides for the terms and conditions of the office of member.

*Section 11* provides that one of the members is to be appointed by the Minister as chairperson.

*Section 12* provides that the Minister may appoint persons to act as chairperson or members.

*Section 13* provides that no act or decision of the Authority is to be invalid by reason only of a defect or irregularity in the appointment of members, or a vacancy.

*Section 13A* provides for the proceedings of the Authority.

*Section 13B* provides for the appointment of a Chief Executive Officer.

*Section 13C* provides for the appointment of staff of the Authority.

*Section 13D* provides for the establishment of advisory committees.

*Clause 7* inserts a new section 19A into the Principal Act which provides for the payment of a dividend by the Authority to the State.

*Clause 8* substitutes for sections 26 to 31 of the Principal Act a new section 26 which allows the Authority to permit use of the market land for any purpose. That use must not interfere with or detract from the use of the land as a wholesale fruit and vegetable market.

*Clause 9* contains consequential amendments to the Principal Act.

*Clause 10* contains consequential amendments to other Acts.

*Clause 11* sets out definitions in relation to the transitional provisions.

*Clause 12* provides that the Authority is the successor in law to the Trust.

*Clause 13* provides for continuity of Trust instruments.

*Clause 14* provides that the Authority is substituted for the Trust as a party in any proceedings.

*Clause 15* provides that land vested in the Trust vests in the Authority.

*Clause 16* contains evidentiary provisions.

*Clause 17* provides for continuity of employment of Trust staff.