

Melbourne Cricket Ground (Amendment) Act 1998

Act No. 104/1998

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Victoria

No. 104 of 1998

**Melbourne Cricket Ground
(Amendment) Act 1998[†]**

[Assented to 1 December 1998]

The Parliament of Victoria enacts as follows:

1. *Purpose*

The purpose of this Act is to amend the
Melbourne Cricket Ground Act 1933.

2. *Commencement*

- (1) Section 1 and this section come into operation on the day on which this Act receives the Royal Assent.

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- (2) Subject to sub-section (3), the remaining provisions of this Act come into operation on a day or days to be proclaimed.
- (3) If a provision referred to in sub-section (2) does not come into operation before 1 February 2000, it comes into operation on that day.

3. Principal Act

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

Act No. 4149.
Reprint No. 1
as at 25 July
1996.

4. Definition

In section 2 of the Principal Act **insert** the following definition—

' "**member**" includes the chairperson of the Trust;'

5. Substitution of section 5A

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

"5A. Trustees

On and after the commencement of section 5 of the **Melbourne Cricket Ground (Amendment) Act 1998**, the trustees are to be as follows—

- (a) a chairperson appointed by the Governor in Council;
- (b) 6 persons appointed by the Governor in Council, being persons who have experience in sports, sports administration, business, financial or community affairs."

6. Repeal of sections 6 and 6A

Sections 6 and 6A of the Principal Act are **repealed**.

7. Insertion of sections 6C to 6J

After section 6B of the Principal Act **insert**—

"6C. Terms and conditions of appointment of members of the Trust

- (1) A member of the Trust holds office for the period, not exceeding 5 years, specified in his or her instrument of appointment.
- (2) A member is eligible for re-appointment.
- (3) A member is entitled to receive the fees, travelling and other allowances from time to time fixed by the Governor in Council in respect of that member.
- (4) A member is subject to any other terms and conditions that are specified in the instrument of appointment.

6D. Resignation, removal and vacancies

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

6E. Validity of decisions

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

- (a) a defect or irregularity in, or in connection with, the appointment of a member; or

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- (b) a vacancy in the membership of the Trust, including a vacancy arising from the failure to appoint an original member.

6F. *Pecuniary and other interests of members*

- (1) A member who—
 - (a) has a direct or indirect pecuniary interest in; or
 - (b) has an interest which would conflict with the proper performance of the member's duties in relation to—

a matter being considered or about to be considered by the Trust must, as soon as practicable after the relevant facts have come to his or her knowledge, declare the nature of the interest at the meeting.
- (2) A person presiding at a meeting at which a declaration is made must cause a record of the declaration to be made in the minutes of the meeting.
- (3) After a declaration is made by a member—
 - (a) unless the Trust otherwise directs, the member must not be present during any deliberation with respect to the matter; and
 - (b) the member is not entitled to vote on the matter; and
 - (c) if the member does vote on the matter, the vote must be disallowed.

6G. *Meetings*

- (1) The chairperson of the Trust must preside at a meeting of the Trust at which the chairperson is present.

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- (2) If the chairperson is absent from a meeting of the Trust, the members present at the meeting must elect one of those members to preside at the meeting.
- (3) A majority of members of the Trust for the time being constitutes a quorum of the Trust.
- (4) A question arising at a meeting of the Trust must be determined by a majority of votes of members present and voting on that question and, if the voting is equal, the person presiding has a casting vote as well as a deliberative vote.
- (5) The Trust may permit members to participate in a particular meeting, or all meetings, by telephone, closed circuit television or other means of communication.
- (6) Subject to this section, the Trust may regulate its own proceedings.

6H. Staff

- (1) The Trust may appoint a natural person as the chief executive officer of the Trust.
 - (2) The chief executive officer holds office for the period, not exceeding 5 years, that is specified in the instrument of his or her appointment and subject to any terms and conditions that are specified in the instrument of appointment.
 - (3) Subject to any terms and conditions specified in the instrument of appointment, the chief executive officer is eligible for re-appointment.
 - (4) The Trust may engage any other employees that are necessary for the performance of its functions.
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6I. Power of Minister to give direction

- (1) The Minister, after consultation with the Treasurer, may give a written direction to the Trust on the performance, discharge or exercise by it of any of its functions, duties or powers under this Act.
- (2) The Trust must comply with such a direction.
- (3) The Trust must, in the manner and time specified by the Minister, give the Minister the information the Minister requires to enable the Minister to determine whether or not the Trust has complied with such a direction.

6J. Delegation

The Trust may, by instrument under its common seal, delegate to one or more members of the Trust, any function, power or duty of the Trust, other than this power of delegation."

8. Repeal of delegation powers

In section 7 of the Principal Act, sub-sections (2) and (3) are **repealed**.

9. Repeal of section 7A

Section 7A of the Principal Act is **repealed**.

10. Insertion of new sections 7F to 7J

After section 7E of the Principal Act **insert**—

'7F. Business plan

- (1) The Trust must prepare a business plan for each year.
- (2) The Trust must give a copy of the plan it has prepared to—

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- (a) the Minister; and
 - (b) the Minister administering the **Sport and Recreation Act 1972**; and
 - (c) the Treasurer—
- on or before the date in each year that is determined by the Minister.
- (3) The business plan must be in or to the effect of a form approved by each specified Minister and must include—
 - (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 of the Trust, containing the information (if any) required by a specified Minister;
 - (c) any other matter that a specified Minister directs.
 - (4) The Trust must consider any comment on the plan prepared under sub-section (3) that is made by a specified Minister within 2 months after the plan was submitted to the Minister.
 - (5) If a specified Minister has made a comment the Trust is required to consider under sub-section (4), the Trust must consult in good faith with the Minister, and, must make any changes to the plan that are agreed upon between the Minister and the Trust and must deliver the settled plan to each specified Minister.
 - (6) The plan, or any part of the plan, must not be published or made available except for the
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purposes of this section without the prior approval of each specified Minister.

(7) In this section and in section 7I—

"specified Minister" means the Treasurer or a Minister specified under sub-section (2)(a) or (b).

7I. Annual Report

- (1) On or before 30 September in each year the Trust must submit a report to each specified Minister in respect of the preceding financial year.
- (2) A report under sub-section (1) must contain—
 - (a) a report of the operations of the Trust during the financial year; and
 - (b) financial statements for the financial year.
- (3) If all specified Ministers so agree, the Trust may submit the report on any date after 30 September which has been agreed upon by the Ministers.
- (4) The Minister must cause a copy of the report to be laid before each House of the Parliament within 10 sitting days of the House next following the date on which the report is submitted.

7J. Tendering for management contracts

- (1) If the Trust has decided to enter into a contract for the management of the whole or a part of the ground, the Trust may call for tenders by public notice.
- (2) Before awarding the contract, the Trust must consider all tenders received by it before the

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date specified in the public notice as the last date for the receipt of tenders.

- (3) The Trust may only award the contract to a person who has submitted a tender in response to and in accordance with a public notice, but is not required to award the contract to the lowest tenderer.'

11. *New section 8A inserted*

After section 8 of the Principal Act **insert**—

'8A. *Commercial exploitation of name prohibited*

A person must not, in the course of a trade or business, assign the name "Melbourne Cricket Ground" or the initials "MCG" as the name, or part of the name, of any place that is not the Ground, or a part of the Ground, unless authorised by the Trust.'

12. *Insertion of new sections 12 and 13*

After section 11 of the Principal Act **insert**—

"12. *Transitional provision—Melbourne Cricket Ground (Amendment) Act 1998—rights of former Trustees to access to the ground*

- (1) A person—
- (a) who was, immediately before the commencement of section 5 of the **Melbourne Cricket Ground (Amendment) Act 1998**, a Trustee appointed under section 5A(1), as in force immediately before that commencement; or
 - (b) who had been, at any time, a Trustee under that section or any corresponding previous enactment—
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is entitled to access, without payment of a fee, to those areas of the ground to which the general public has access for all sporting events for the remainder of his or her life.

- (2) Sub-section (1) does not apply to a person—
- (a) who was, immediately before the commencement of section 5 of the **Melbourne Cricket Ground (Amendment) Act 1998**, a Trustee under section 5A(1)(a) or (d)(i) or (ii), as in force immediately before that commencement; or
 - (b) who had been, at any time, a Trustee under those provisions or any corresponding previous enactment.

13. Transitional provision—Melbourne Cricket Ground (Amendment) Act 1998—effect of restructuring of Trust

- (1) On the commencement of section 5 of the **Melbourne Cricket Ground (Amendment) Act 1998** the Trustees appointed under section 5A(1)(a), (b), (c), and (d) (as in force immediately before that commencement) go out of office.
- (2) Despite the commencement of section 5 of the **Melbourne Cricket Ground (Amendment) Act 1998**, the Trust is deemed to be the same body on and after that commencement as it was before that commencement."
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† *Minister's second reading speech—*

Legislative Assembly: 8 October 1998

Legislative Council: 10 November 1998

The long title for the Bill for this Act was "to amend the **Melbourne Cricket Ground Act 1933** and for other purposes."