# Kardinia Park Stadium Act 2016
No. 7 of 2016

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The Parliament of Victoria enacts:

**Part 1—Preliminary**

1 **Purposes**

   The purposes of this Act are—
   
   (a) to establish the Kardinia Park Stadium Trust to administer the Kardinia Park Trust Land and other land and facilities for the purposes of sports, recreation, entertainment, and related social and other activities; and
(b) to provide for the promotion, use, operation and management of the Kardinia Park Trust Land; and

(c) to provide for the Trust to contribute to the economy, community and liveability of the Geelong region and the State in the performance of the Trust's functions and powers; and

(d) to provide for the planning, development, promotion, use, operation and management of any other sports, recreation, entertainment, or related social or other facilities and services for which the Trust has responsibility; and

(e) to provide power to re-reserve land at Kardinia Park; and


2 Commencement

(1) Subject to subsection (2), this Act comes into operation on a day or days to be proclaimed.

(2) If a provision of this Act does not come into operation before 1 October 2016, it comes into operation on that day.

3 Definitions

In this Act—

Central Plan Office means the Central Plan Office of the Department of Environment, Land, Water and Planning;
Part 1—Preliminary

chairperson means a member appointed as the chairperson of the Trust under section 7(1)(a);

Council means the Greater Geelong City Council;

event management declaration means a declaration made under section 34 in respect of a Kardinia Park event;

film friendly principles has the same meaning as in the Filming Approval Act 2014;

film permit has the same meaning as in the Filming Approval Act 2014;

Kardinia Park means—

(a) the land reserved in accordance with section 26(2); and

(b) the land described as Crown Allotment 2007, City of Geelong, Parish of Corio, County of Grant; and

(c) any land reserved for public recreation by an Order in Council made under section 27;

Kardinia Park Stadium Land means land to which a Kardinia Park Stadium Land Order applies;

Kardinia Park Stadium Land Order means an Order in Council made under section 28;

Kardinia Park Trust Land means—

(a) Kardinia Park Stadium Land; and

(b) any land specified in a Kardinia Park Trust Land Order as Kardinia Park Trust Land;

Kardinia Park Trust Land Order means an Order in Council made under section 29;
land includes a stratum of land;

member means a person appointed to the Trust under section 7(1);

Trust means the Kardinia Park Stadium Trust established by section 5.

4 Filming Approval Act 2014

This Act is filming approval legislation within the meaning of the Filming Approval Act 2014.
Part 2—Kardinia Park Stadium Trust

5 Establishment of Trust

(1) The Kardinia Park Stadium Trust is established.

(2) The Trust—

(a) is a body corporate with perpetual succession; and
(b) has a common seal; and
(c) may sue or be sued in its corporate name; and
(d) is capable of acquiring, holding and disposing of real and personal property; and
(e) is capable of doing or suffering anything which by law a body corporate may do or suffer.

(3) The common seal must be kept as directed by the Trust and must not be used except as authorised by the Trust.

6 Functions and powers of Trust

(1) The Trust has the following functions—

(a) to be responsible for the care, improvement, use and promotion of the Kardinia Park Trust Land as facilities for sports, recreation, entertainment, and related social and other activities;

(b) to be responsible for the proper financial management of the Kardinia Park Trust Land;

(c) to provide for the planning, development, promotion, use, operation and management of other sports, recreation and entertainment facilities and services in Victoria for which the Trust has responsibility;
(d) to provide for the planning, development, promotion, management, operation and use of facilities and services for car parking and other necessary services to be used in conjunction with any of the facilities operated or managed by the Trust;

(e) to accept appointment and act as a committee of management of Crown lands;

(f) to be responsible for the operation and management of the Kardinia Park Trust Land with the objective of contributing to the economy, community and liveability of the Geelong region and the State;

(g) to perform any other function conferred on or given to the Trust by or under this Act or any other Act.

(2) The Trust must not perform any of its functions with respect to land, facilities or services outside the Kardinia Park Trust Land or exercise any powers in relation to those functions without the approval of the Premier, the Treasurer and the Minister.

(3) The Trust has all powers necessary to perform its functions.

7 Members of the Trust

(1) The Trust consists of the following members appointed by the Governor in Council, on the recommendation of the Minister—

(a) one part-time member appointed as the chairperson;

(b) not fewer than 4 and not more than 8 other part-time members.
(2) In making a recommendation under subsection (1), the Minister must consider—

(a) a person's capacity to carry out the functions of the Trust; and

(b) any qualifications and experience that the Minister considers appropriate.

8 Terms and conditions of appointment

(1) A member of the Trust—

(a) is appointed for the term, specified in the member's instrument of appointment, not exceeding 3 years; and

(b) subject to subsection (3), is eligible for re-appointment; and

(c) is otherwise subject to the terms and conditions specified in the instrument of appointment.

(2) A member other than a member who is—

(a) a member of the Legislative Council or the Legislative Assembly; or

(b) an employee of the public service within the meaning of the Public Administration Act 2004—

is entitled to receive any remuneration, fees or allowances, if any, that are fixed from time to time for that member by the Minister.

(3) A person who has been a member of the Trust for 9 consecutive years and ceases to hold office as a member is not eligible for re-appointment unless—

(a) that person is, or immediately before the expiry of the ninth consecutive year was, the chairperson; or
Part 2—Kardinia Park Stadium Trust

(b) a period of 3 years or more has elapsed since that person was last a member of the Trust.

(4) The Public Administration Act 2004 (other than Part 3 of that Act) applies to a member of the Trust in respect of the office of member.

9 Resignation and removal of members

(1) A member of the Trust may resign in writing sent to the Minister.

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

10 Vacancies

The office of a member becomes vacant if—

(a) the member becomes bankrupt; or

(b) the member is convicted of an indictable offence or an offence which, if committed in Victoria, would be an indictable offence; or

(c) the member is absent from 3 consecutive meetings of the Trust without the prior leave of the Trust; or

(d) the member resigns or is removed under section 9.

11 Acting members

(1) The Minister may appoint a person to act as a member during a period of vacancy if—

(a) the office of a member of the Trust becomes vacant under section 9 or 10; or

(b) a member of the Trust is unable to perform the duties of office of member because of illness or otherwise.
(2) A person appointed to act as a member under subsection (1)—

(a) has the rights, powers and duties of the member for whom that person acts; and

(b) is entitled to receive any remuneration, fees or allowances, if any, that are fixed from time to time for that member by the Minister.

12 Validity of decisions of Trust

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

(b) a vacancy in the membership of the Trust; or

(c) in the case of an acting member, the occasion for the member acting has not arisen.

13 Pecuniary and other interests of members

(1) As soon as practicable after the relevant facts have come to a member's knowledge, a member must declare the nature of the interest at a meeting, if that member—

(a) has a direct or indirect pecuniary interest in a matter being considered or about to be considered by the Trust; 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.

(2) A person presiding at a meeting at which a declaration is made must make a record of the declaration in the minutes of the meeting.
(3) After a declaration is made by a member under subsection (1)—

(a) unless the Trust otherwise directs, the member must not be present during any deliberation with respect to that matter; and

(b) the member is not entitled to vote on that matter.

(4) Despite subsection (3), if a declaration is made by a member under this section and that member subsequently votes on a matter which is the subject of the declaration, the vote must be disallowed.

14 Membership not an office of profit

A member of the Trust is not taken, by reason of being such a member of the Trust, to hold an office or place of profit under the Crown which would prevent the member sitting, voting, being elected or continuing as a member of the Legislative Council or Legislative Assembly.

15 Convening of meetings

(1) The Trust must hold at least 4 meetings in any calendar year.

(2) Subject to subsection (3), the chairperson is responsible for convening the meetings of the Trust.

(3) The chairperson must convene a meeting of the Trust if the chairperson receives a written request from at least 2 members to hold a meeting.

16 Procedure of meetings

(1) The chairperson must preside at a meeting of the Trust at which the chairperson is present.
(2) If the chairperson is absent, the members present at the meeting must elect one of those members to preside at the meeting.

(3) A majority of members for the time being constitutes a quorum of the Trust.

(4) A question arising at a meeting must be determined by a majority of votes of members present and voting on that question.

(5) The person presiding at a meeting has a deliberative vote and, in the event of an equality of votes on any question, a second or casting vote.

(6) The Trust may allow members to participate in a meeting by electronic or other means of communication.

(7) Subject to this Act, the Trust may regulate its own proceedings.

17 Chief executive officer

(1) The Trust may appoint a person approved by the Minister as the chief executive officer of the Trust for the term specified in the person's instrument of appointment, not exceeding 5 years.

(2) Subject to this Act, the chief executive officer holds office on the terms and conditions specified in the instrument of appointment.

(3) The chief executive officer is eligible for re-appointment.

(4) The Trust must not remove the chief executive officer from office without the approval of the Minister.
18 Other officers and employees

(1) The Trust may engage any other officers or employees that are necessary for the performance of the Trust's functions.

(2) The Trust may engage any consultants that it requires to perform its functions.

(3) The Trust may determine the terms and conditions of appointment, employment or engagement.

19 Power of Minister to give directions

(1) The Minister may give the Trust directions in relation to the performance of its functions and duties and the exercise of its powers under this Act.

(2) The Trust must comply with a direction given under subsection (1).

(3) The Trust must give the Minister any information the Minister requires to assist the Minister to determine whether the Trust has complied with a direction.

20 Delegation

The Trust, by instrument, may delegate any function, duty or power of the Trust, other than this power of delegation, to—

(a) one or more members of the Trust; or

(b) the chief executive officer; or

(c) the most senior officer or employee of the Trust if there is no chief executive officer.

21 Business plan

(1) The Trust must—

(a) prepare a business plan each year; and
(b) provide a copy of the proposed business plan to the Minister each year on or before a date as determined by the Minister.

(2) The proposed business plan must be in, or to the effect of, a form approved by the Minister and must include—

(a) a statement of corporate intent, being information about the objectives, main undertakings, activities, accounting policies, performance measures of the Trust and information about how the planned activities of the Trust are proposed or designed to contribute to the economy, community and liveability of the Geelong region and the State; and

(b) financial statements containing information requested by the Minister; and

(c) any other matters that the Minister directs.

(3) The Trust must consider any comments on the proposed business plan that are made to it by the Minister within 2 months after the plan is submitted to the Minister.

(4) Following the communication of any comments from the Minister under subsection (3), the Trust must—

(a) consult in good faith with the Minister; and

(b) make any changes to the plan that are agreed between the Minister and the Trust; and

(c) deliver the completed plan to the Minister within 3 months after the plan is submitted to the Minister.
22 Annual report

The Trust must prepare an annual report of operations for each financial year under Part 7 of the Financial Management Act 1994.

Note

The Trust is required to prepare an annual report despite section 46(2) of the Financial Management Act 1994.
Part 3—Financial provisions

23 Borrowing powers of Trust

The Trust may obtain financial accommodation subject to and in accordance with the powers conferred on it under the Borrowing and Investment Powers Act 1987.

24 Accounts

The Trust may open and maintain one or more accounts in the name of the Trust with any ADI.

25 Kardinia Park Trust Fund

(1) The Trust must establish and maintain a fund called the Kardinia Park Trust Fund.

(2) There must be paid into the Kardinia Park Trust Fund—

(a) all money received by or paid to the Trust in respect of the Kardinia Park Trust Land and any other land, facilities or services managed or operated by the Trust; and

(b) all money required or authorised by or under this Act or any other Act to be paid into the Kardinia Park Trust Fund; and

(c) any income received by the Trust from the investment of moneys in the Kardinia Park Trust Fund.

(3) Money may be paid out of the Kardinia Park Trust Fund—

(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 in relation to—

(i) the Kardinia Park Trust Land; and
(ii) any other land, facilities or services managed or operated by the Trust; or

(b) in payment of the costs of the management of the Kardinia Park Trust Land and any other land, facilities or services managed or operated by the Trust or the provision of services on that land or at those facilities, including the costs of employing and engaging people for the purposes of managing and operating the land, the facilities or the provision of services; or

(c) in payment of any other amount that is—

(i) authorised or required to be paid out of the Kardinia Park Trust Fund under this Act; or

(ii) agreed to jointly by the Trust and the Minister to be paid out of the Kardinia Park Trust Fund.
Part 4—Management of Kardinia Park
Trust Land

26 Re-reservation of Kardinia Park

(1) On the commencement of this section—

(a) the permanent reservation of the land described in the First Schedule to the Geelong (Kardinia Park) Land Act 1950 (less authorised excisions made by the Revocation and Excision of Crown Reservations Act 1955 and the Revocation and Excision of Crown Reservations Act 1980) as a site for a public park is revoked; and

(b) the permanent reservation of the land described in the Second Schedule to the Geelong (Kardinia Park) Land Act 1950 as a site for public recreation is revoked; and

(c) subject to this section, the land referred to in subsection (1)(a) is taken to be unalienated land of the Crown, freed and discharged from all trusts, limitations, reservations, restrictions, encumbrances, estates and interests; and

(d) subject to this section, the land referred to in subsection (1)(b) is taken to be unalienated land of the Crown, freed and discharged from all trusts, limitations, reservations, restrictions, encumbrances, estates and interests.

(2) On the revocation of a reservation of land under subsection (1)—

(a) the land described as Crown Allotments 11 and 14 of Section 31B and Crown Allotment 2025, City of Geelong, Parish of Corio, County of Grant is taken to be
Part 4—Management of Kardinia Park Trust Land

(temporarily reserved under the Crown Land (Reserves) Act 1978 for the purposes of a public park; and

(b) the land described as Crown Allotment 12 of Section 31B, City of Geelong, Parish of Corio, County of Grant is taken to be temporarily reserved under the Crown Land (Reserves) Act 1978 for the purposes of public recreation; and

(c) if any land referred to under subsection (1) is not re-reserved under paragraphs (a) and (b), that land is taken to be temporarily reserved under the Crown Land (Reserves) Act 1978 for the purposes of public recreation.

(3) Despite subsection (1), the Council continues to be the committee of management of land at Kardinia Park appointed under the Geelong (Kardinia Park) Land Act 1950 until a Kardinia Park Stadium Land Order or a Kardinia Park Trust Land Order is made in respect of that land.

(4) Nothing in this section affects the status and continuity of any lease, licence or other agreement entered into by the Council and in force immediately before the commencement of this section in respect of land referred to in subsection (1)(a) or (b).

(5) Nothing effected by this section—

(a) is to be regarded as placing any person in a breach of or as constituting a default under any provision prohibiting, restricting or regulating the assignment of a lease, a licence or an agreement referred to in this section; or
(b) is to be regarded as fulfilling any condition which allows a person to exercise a right or remedy in respect of, or to terminate, any agreement or obligation; or

(c) releases any surety or other obligor wholly or in part from any obligation.

27 Re-reservation of land reserved for recreation of elderly people

(1) On receiving a plan of survey signed by the Surveyor-General of the land shown hatched on the plan numbered LEGL./15-497 lodged in the Central Plan Office, or that land as nearly as practicable, the Minister administering the Crown Land (Reserves) Act 1978 may recommend to the Governor in Council the making of an Order under this section.

(2) The Governor in Council, by Order published in the Government Gazette, may make an Order referred to in subsection (1) reserving the land in the plan of survey for the purposes of public recreation.

(3) On the publication in the Government Gazette of an Order under this section—

(a) the Order in Council dated 6 March 1956 published in the Government Gazette dated 14 March 1956 is revoked to the extent that it applies to the land in the plan of survey; and

(b) subject to paragraph (e), the land in the plan of survey is taken to be unalienated land of the Crown, freed and discharged from all trusts, limitations, reservations, restrictions, encumbrances, estates and interests; and
Part 4—Management of Kardinia Park Trust Land

(c) the appointment of any committee of management of the land in the plan of survey is revoked to the extent that it relates to that land; and

(d) any regulations under section 13 of the Crown Land (Reserves) Act 1978 are revoked to the extent that they apply to that land; and

(e) that land is taken to be temporarily reserved under section 4(1) of the Crown Land (Reserves) Act 1978 for the purposes of public recreation.

28 Kardinia Park Stadium Land Order

(1) On receiving a plan of survey signed by the Surveyor-General of the whole or any part of the land shown hatched on the plan numbered LEGL./15-504 lodged in the Central Plan Office, or that land as nearly as practicable, the Minister administering the Crown Land (Reserves) Act 1978 may recommend to the Governor in Council the making of an Order specifying that the land or any part of the land shown in the plan of survey be Kardinia Park Stadium Land.

(2) The Governor in Council, by Order published in the Government Gazette, may make an Order referred to in subsection (1) specifying that the land to which the Order applies is Kardinia Park Stadium Land.

(3) An Order made under subsection (2) must include a copy of the plan of survey specifying the land to which the Order applies.

(4) On the date on which an Order under this section takes effect—

(a) subject to section 43 and paragraph (d), the land to which the Order applies is taken to be unalienated land of the Crown, freed and
discharged from all trusts, limitations, reservations, restrictions, encumbrances, estates and interests; and

(b) the appointment of any committee of management of the land to which the Order applies is revoked to the extent that it relates to that land; and

(c) any regulations applying to the land to which the Order applies are revoked to the extent that they apply to that land; and

(d) the land to which the Order applies is taken to be temporarily reserved under section 4(1) of the Crown Land (Reserves) Act 1978 for public purposes, in particular, sports, recreation, entertainment, and related social and other activities; and

(e) the land to which the Order applies becomes part of the Kardinia Park Trust Land and the Trust becomes responsible for the operation and management of that land.

(5) An Order under this section must not be made before an Order is made under section 27.

29 Kardinia Park Trust Land Order

(1) On receiving a plan of survey signed by the Surveyor-General of the whole or any part of Kardinia Park, the Minister administering the Crown Land (Reserves) Act 1978 may recommend to the Governor in Council the making of an Order specifying that the land or any part of the land shown in the plan of survey be Kardinia Park Trust Land.

(2) The Governor in Council, by Order published in the Government Gazette, may make an Order referred to in subsection (1), specifying that the land to which the Order applies is Kardinia Park Trust Land.
(3) An Order made under subsection (2) must include a copy of the plan of survey specifying the land to which the Order applies.

(4) On the date on which an Order under this section takes effect—

(a) subject to subsections (5) and (6) and paragraph (d), the land to which the Order applies is taken to be unalienated land of the Crown, freed and discharged from all trusts, limitations, reservations, restrictions, encumbrances, estates and interests; and

(b) the appointment of any committee of management of the land to which the Order applies is revoked to the extent that it relates to that land; and

(c) any regulations applying to the land to which the Order applies are revoked to the extent that they apply to that land; and

(d) the land to which the Order applies is taken to be temporarily reserved under section 4(1) of the Crown Land (Reserves) Act 1978 for public purposes, in particular, sports, recreation, entertainment, and related social and other activities; and

(e) the land to which the Order applies becomes part of the Kardinia Park Trust Land and the Trust becomes responsible for the operation and management of that land.

(5) Nothing in this section affects the status and continuity of any lease, licence or other agreement entered into by the Council and in force immediately before the commencement of a Kardinia Park Trust Land Order in respect of land to which the Order applies and such leases, licences or agreements are taken to be leases, licences or agreements, as the case requires,
granted by or entered into by the Trust under this Act.

(6) Nothing effected by this section—

(a) is to be regarded as placing any person in a breach of or as constituting a default under any provision prohibiting, restricting or regulating the assignment of a lease, a licence or an agreement referred to in this section; or

(b) is to be regarded as fulfilling any condition which allows a person to exercise a right or remedy in respect of, or to terminate, any agreement or obligation; or

(c) releases any surety or other obligor wholly or in part from any obligation.

(7) More than one Order may be made under this section.

30 **Kardinia Park Advisory Committee**

(1) There is established an advisory committee called the Kardinia Park Advisory Committee.

(2) The functions of the Kardinia Park Advisory Committee are—

(a) to advise the Trust on the operation, management and improvement of the Kardinia Park Trust Land; and

(b) to advise the Trust and the Council on the operation, management and improvement of Kardinia Park.

(3) The Kardinia Park Advisory Committee consists of the following members appointed by the Minister—

(a) a member of the Trust;

(b) the chief executive officer;
(c) a representative of the Geelong Football Club;

(d) two representatives nominated by the lessees and licensees of the whole or any part of Kardinia Park;

(e) two persons nominated by the Council to represent the Council;

(f) any other persons the Minister considers necessary.

(4) The chairperson of the Kardinia Park Advisory Committee is the member appointed under subsection (3)(a).

(5) A member appointed under subsection (3)(c), (d), (e) or (f)—

(a) is appointed for a term, not exceeding 3 years, that is specified in the member's instrument of appointment; and

(b) is subject to the terms and conditions specified in the instrument of appointment; and

(c) is eligible for re-appointment.

(6) Subject to this Act, the Kardinia Park Advisory Committee may regulate its own proceedings.

31 Power to grant leases

(1) With the approval of the Minister, the Trust may grant a lease of the whole or any part of the Kardinia Park Trust Land, or any other land managed by the Trust.

(2) The Minister must not approve the granting of a lease under subsection (1) unless the Minister is satisfied that, to the extent that the lease applies to a stratum of land—
(a) the lessee for the time being under the lease can obtain reasonable access to and use of the land to be leased; and

(b) the granting of the lease will not interfere with the exercise of rights by the registered proprietor, lessee or licensee of other land; and

(c) provision has been made for any necessary rights of support of the stratum or other land or of any building or structure erected or to be erected on those lands; and

(d) provision has been made for any necessary rights of passage or provision of services to or through the stratum, where those rights are reasonably necessary for the reasonable enjoyment of the stratum or other land; and

(e) if the surface of the land above the stratum is a road, the exercise of any of the lessee's rights or obligations under the lease will not interfere with the public use of that land as a road.

(3) A lease may be for a term not exceeding 50 years.

(4) A lease granted under subsection (1)—

(a) may contain provision for the term of the lease to be extended one or more times, but the aggregate of the initial term and any extensions of the term must not exceed 50 years; and

(b) may contain provision for a lessee to remain in occupation of the land under the same terms and conditions as existed under the lease, at the discretion of the lessor, for a period of not more than 3 months from the expiry of the lease; and
(c) is subject to any covenants, exceptions, reservations and conditions that are determined by the Trust and approved in writing by the Minister.

(5) This section applies despite anything to the contrary in the Crown Land (Reserves) Act 1978 and the Land Act 1958.

32 Power to grant licences

(1) The Trust may grant a licence to enter and use the whole or any part of the Kardinia Park Trust Land or any other land managed by the Trust.

(2) A licence granted under this section—

(a) must not be inconsistent with the purposes for which the Kardinia Park Trust Land is reserved; and

(b) may be for a period not exceeding 3 years or, with the approval of the Minister, a period not exceeding 10 years; and

(c) is subject to the terms and conditions determined by the Trust.

(3) This section applies despite anything to the contrary in the Crown Land (Reserves) Act 1978 and the Land Act 1958.

33 Infringements

(1) A police officer, or an officer or employee authorised by the Trust, may serve an infringement notice on any person that the police officer, officer or employee has reason to believe has committed a prescribed offence.

(2) An offence referred to in subsection (1) for which an infringement notice may be served is an infringement offence within the meaning of the Infringements Act 2006.
(3) The infringement penalty for an offence referred to in subsection (1) is the prescribed penalty in respect of the offence.
Part 5—Event management declarations for Kardinia Park events

34 Event management declarations

(1) On the recommendation of the Minister, the Governor in Council, by Order published in the Government Gazette, may declare an event to be a Kardinia Park event.

(2) The Minister must not make a recommendation under subsection (1) unless the Minister is satisfied that—

(a) the event is suitable to be held on land at Kardinia Park Trust Land; and

(b) the event is of significance to the Geelong region or the State.

(3) The Minister must give a copy of an event management declaration to the Council within 7 days after the declaration is published in the Government Gazette.

35 Content of event management declaration

(1) An event management declaration must include the following information—

(a) the date on which the declaration takes effect;

(b) the period for which the declaration applies, being a period not exceeding one year after the date on which the declaration takes effect;

(c) the title of the Kardinia Park event and a short description of it;

(d) the times and dates during which the Kardinia Park event is to take place;
Part 5—Event management declarations for Kardinia Park events

(1) An event management declaration may provide that the Trust is to have specified functions, duties and powers in relation to Kardinia Park during a Kardinia Park event.

(2) An event management declaration may be made in relation to more than one Kardinia Park event.

36 Management of Kardinia Park

(1) An event management declaration may provide that the Trust is to have specified functions, duties and powers in relation to Kardinia Park during a Kardinia Park event.

(e) the area of Kardinia Park to which the declaration applies, described in writing or by way of map or other document;

(f) a statement that the Trust takes control of the area of Kardinia Park to which the declaration applies for the times and dates during which the Kardinia Park event takes place;

(g) any functions, duties and powers conferred on the Trust during the Kardinia Park event in accordance with section 36;

(h) the provision of any car parking on land at Kardinia Park during a Kardinia Park event in accordance with section 36;

(i) any functions, duties and powers of the Council suspended during the Kardinia Park event in accordance with section 37;

(j) any powers conferred on the Trust to enter into agreements or arrangements with an event organiser in accordance with sections 36 and 38;

(k) any local laws suspended in accordance with section 39;

(l) any transitional provisions made in accordance with section 40.
(2) The functions, duties and powers specified in an event management declaration may include powers of the Trust to do any of the following—

   (a) to enter into agreements or arrangements with an event organiser;

   (b) to organise, facilitate or undertake an event;

   (c) to fix opening and closing times for public access to any area to which the declaration applies;

   (d) to impose, collect and retain fees;

   (e) to perform any function or duty or exercise any power conferred by any other Act on the Council in relation to its appointment as committee of management of Kardinia Park, or on the Trust.

(3) An event management declaration cannot confer any power on the Trust to permit the use of Kardinia Park for a purpose that is inconsistent with the reservation of the land unless the purpose is connected with the Kardinia Park event.

(4) Despite section 17E of the Crown Land (Reserves) Act 1978, car parking may be provided on land at Kardinia Park by the Trust during a Kardinia Park event without the approval of the Minister administering the Crown Land (Reserves) Act 1978.

37 Suspension of functions, duties and powers

   (1) An event management declaration may provide for all or specified functions, duties and powers of the Council in relation to its appointment as committee of management of Kardinia Park to be suspended for the times and dates during which a Kardinia Park event takes place.
(2) The Minister must not make a recommendation for an event management declaration to suspend any functions, duties and powers of the Council in respect of its appointment as committee of management of Kardinia Park unless the Minister is satisfied that the suspension is necessary for the purposes of the Kardinia Park event.

(3) If an event management declaration provides for the suspension of any functions, duties or powers of the Council, during the period of suspension the Council must not—

(a) perform any function or duty, or exercise any power that is suspended; or

(b) perform any other function or duty or exercise any other power in a manner that is inconsistent with an event management declaration or the purpose of a declaration.

38 Powers in relation to agreements and arrangements

The power conferred on the Trust by an event management declaration to enter into agreements or arrangements with an event organiser may include agreements or arrangements relating to—

(a) the organisation or conduct of the Kardinia Park event; or

(b) the occupation and use by the event organiser of any part of the area to which the declaration applies; or

(c) the fees to be charged by the event organiser for entry into the area to which the declaration applies and the payment of fees by the event organiser to the Trust.
39 Suspension of local laws

Any local laws made under the Local Government Act 1989 that apply to Kardinia Park continue to apply for the times and dates during which a Kardinia Park event takes place unless—

(a) the event management declaration provides for the suspension of those local laws; or

(b) the local laws are inconsistent with the purposes of the event management declaration.

40 Transitional provisions—event management declaration

An event management declaration may contain provisions of a transitional nature consequent on the making of the declaration, including—

(a) provisions for the construction of references in any instrument or in any other document of any kind; or

(b) provisions relating to the end of a Kardinia Park event.

41 Event management area to be restored

The Trust, immediately after each Kardinia Park event, must restore or ensure the restoration of the area to which an event management declaration applies to a condition reasonably comparable to its condition before the start of the event.
Part 6—General

42 Regulations

(1) The Governor in Council may make regulations for or with respect to—

(a) the control, management and use of the Kardinia Park Trust Land, any other land managed by the Trust and any facilities or services managed or operated by the Trust; and

(b) the prohibition or regulation of any activity on the Kardinia Park Trust Land, any other land managed by the Trust and any facilities or services managed or operated by the Trust; and

(c) the protection of persons on the Kardinia Park Trust Land and any other land managed by the Trust, and using any facilities or services managed or operated by the Trust; and

(d) the removal of any structures or other works which do not comply with the requirements of the Trust or in respect of which a lease, licence, permit or agreement has expired or has been cancelled; and

(e) the exclusion or expulsion of persons found contravening the regulations from the Kardinia Park Trust Land or any other land managed by the Trust; and

(f) the administration by the Trust of proposals regarding the naming of the Kardinia Park Trust Land and any other land managed by the Trust, in accordance with the Geographic Place Names Act 1998; and
(g) prescribing any other matter or thing required or permitted by this Act to be prescribed or necessary to be prescribed to give effect to this Act.

(2) The regulations—

(a) may be of general or limited application; and

(b) may differ according to differences in time, place or circumstance; and

(c) may confer a discretionary authority or impose a duty on a specified person or class of persons; and

(d) may prescribe infringement offences and infringement penalties for the purposes of section 33; and

(e) may prescribe penalties not exceeding one penalty unit for infringement offences prescribed under paragraph (d); and

(f) may impose a penalty not exceeding 10 penalty units for a contravention of the regulations; and

(g) may apply, adopt or incorporate any matter contained in any document issued or adopted by any person whether—

(i) wholly or partially or as amended by the regulations; or

(ii) as issued or adopted at the time the regulations are made or at any time before then; or

(iii) as issued, prescribed or published from time to time.

(3) Any regulations made under this Act for or with respect to the issuing of film permits must not be inconsistent with the film friendly principles.
Part 7—Transitional and consequential provisions

Division 1—Transitional provisions

43 Transitional provisions

(1) On the commencement of the Kardinia Park Stadium Land Order, the following leases granted by the Council with respect to Kardinia Park Trust Land and in force immediately before that commencement are taken to be leases granted by the Trust under section 31—

(a) a lease for the exclusive use of areas of the Kardinia Park Stadium entered into by the Council with Basketball Victoria Incorporated, A0006883X on 27 May 2014;

(b) a lease for the exclusive use of areas of the Kardinia Park Stadium entered into by the Council with Barwon Sports Academy Incorporated, A0049723T on 1 July 2015;

(c) a lease for the exclusive use of areas of the Kardinia Park Stadium entered into by the Council with Victorian Tennis Association Incorporated, A0015774V on 1 July 2015;

(d) a lease for the exclusive use of areas of the Kardinia Park Stadium entered into by the Council with Football Federation Victoria Incorporated, A0014492Y on 1 February 2015;

(e) a lease for the exclusive use of areas of the Kardinia Park Stadium entered into by the Council with Football Federation Victoria Incorporated, A0014492Y on 1 July 2013;
Part 7—Transitional and consequential provisions

(f) a lease for the exclusive use of areas of the Kardinia Park Stadium entered into by the Council with Victorian Cricket Association, ACN 004 128 812 on 1 February 2015;

(g) a lease for the exclusive use of areas of the Kardinia Park Stadium entered into by the Council with Geelong Football Club Limited, ACN 005 150 818 on 12 October 2009;

(h) a lease for the exclusive use of areas of the Kardinia Park Stadium entered into by the Council with Leisure Networks Association Incorporated, A0019936C on 1 July 2013.

(2) On the commencement of the Kardinia Park Stadium Land Order, the following agreements entered into by the Council with respect to Kardinia Park Trust Land and in force immediately before that commencement are taken to be agreements entered into by the Trust—

(a) a user or operational agreement for areas of the Kardinia Park Stadium entered into by the Council with Geelong Football Club Limited, ACN 005 150 818 on 12 October 2009;

(b) a user or operational agreement for areas of the Kardinia Park Stadium entered into by the Council with AFL Barwon Football Commission Limited, ABN 90 160 417 845 on 2 August 2015;

(c) a user or operational agreement for areas of the Kardinia Park Stadium entered into by the Council with Geelong Football Club Limited, ACN 005 150 818 on 23 June 2015;
Part 7—Transitional and consequential provisions

(d) a user or operational agreement for areas of the Kardinia Park Stadium entered into by the Council with Australian Football League, ACN 004 155 211 on 13 April 2015;

(e) an agreement for the management and operation of match days entered into by the Council with Melbourne Victory Limited, ABN 62 111 441 868 on 10 December 2014;

(f) the contract for the maintenance of the Daktronics 15HD LED Scoreboard at the Kardinia Park Stadium entered into by the Council with Outdoor Elements Pty Ltd, ABN 90 097 363 801 on 1 July 2014;

(g) the contract for the management of the "Big Screen" Daktronics 15HD LED Scoreboard at the Kardinia Park Stadium entered into by the Council with Geelong Football Club Limited, ACN 005 150 818 and Momentum Energy Pty Ltd ABN 42 100 569 159 on 28 May 2013;

(h) the contract for the provision of turf management services at the Kardinia Park Stadium entered into by the Council with Pitchcraft Pty Ltd, ABN 52 129 006 631 on 1 December 2013;

(i) the contract for the provision of cleaning services at the Kardinia Park Stadium entered into by the Council with QuayClean Australia Pty Ltd, ABN 40 102 238 933 on 6 February 2012.
(3) Nothing effected by this section—
(a) is to be regarded as placing any person in a breach of or as constituting a default under any provision prohibiting, restricting or regulating the assignment of the relevant lease or agreement referred to in this section; or
(b) is to be regarded as fulfilling any condition which allows a person to exercise a right or remedy in respect of, or to terminate, any agreement or obligation; or
(c) releases any surety or other obligor wholly or in part from any obligation.

44 Regulations dealing with transitional matters
(1) The Governor in Council may make regulations containing provisions of a transitional nature, including matters of an application or savings nature, arising as a result of the enactment of this Act, including the repeals and amendments made by this Act.
(2) Regulations made under this section may—
(a) have a retrospective effect to a day on or from the date that this Act receives the Royal Assent; and
(b) be of limited or general application; and
(c) differ according to differences in time, place or circumstances; and
(d) leave any matter or thing to be decided by a specified person or specified class of persons; and
(e) provide for the exemption of persons or proceedings or a class of persons or proceedings from any of the regulations made under this section.
(3) Regulations made under this section have effect despite anything to the contrary—

(a) in any Act (other than this Act or the Charter of Human Rights and Responsibilities Act 2006); or

(b) in any subordinate instrument.

(4) This section is repealed on the second anniversary of the day on which it comes into operation.

Division 2—Consequential amendments of other Acts

45 Consequential amendments—Geelong (Kardinia Park) Land Act 1950

(1) At the end of section 2 of the Geelong (Kardinia Park) Land Act 1950 insert—

"(2) This section is subject to Part 4 of the Kardinia Park Stadium Act 2016.

(3) The land referred to in subsection (1) does not include any Kardinia Park Trust Land within the meaning of the Kardinia Park Stadium Act 2016.".

(2) In section 3(1) of the Geelong (Kardinia Park) Land Act 1950, for "this Act" substitute "this Act, other than any Kardinia Park Trust Land within the meaning of the Kardinia Park Stadium Act 2016, ".

46 Consequential amendment—Filming Approval Act 2014

In section 3 of the Filming Approval Act 2014, in the definition of filming approval legislation, after paragraph (d) insert—

"(da) the Kardinia Park Stadium Act 2016; and".
47 Consequential amendments—Major Sporting Events Act 2009

(1) In section 3(1) of the **Major Sporting Events Act 2009** insert the following definition—

"**Kardinia Park Trust Land** has the same meaning as in the **Kardinia Park Stadium Act 2016;**".

(2) In section 3(1) of the **Major Sporting Events Act 2009**, in the definition of *event venue*, after paragraph (hc) insert—

"(hd) the Kardinia Park Trust Land;".

(3) In section 3(1) of the **Major Sporting Events Act 2009**, in the definition of *major sporting event*—

(a) in paragraph (b), for "MCG or the Docklands Stadium" substitute "MCG, Docklands Stadium or the Kardinia Park Trust Land";

(b) in paragraph (c), for "MCG or the Docklands Stadium" substitute "MCG, Docklands Stadium or the Kardinia Park Trust Land".

48 Consequential amendments—Borrowing and Investment Powers Act 1987

In Schedule 1 to the **Borrowing and Investment Powers Act 1987**, after item 42 insert—

"43. Kardinia Park Stadium Trust 5, 8, 10, 11, 12, 13, 14, 20 and 21".

49 Repeal of this Division

This Division is **repealed** on 1 October 2017.

**Note**

The repeal of this Division does not affect the continuing operation of the amendments made by it (see section 15(1) of the **Interpretation of Legislation Act 1984**).
Endnotes

1 General information


† Minister's second reading speech—

Legislative Assembly: 11 November 2015

Legislative Council: 10 December 2015

The long title for the Bill for this Act was "A Bill for an Act to establish the Kardinia Park Stadium Trust to administer certain land and facilities at Kardinia Park, to provide the functions and powers of the Trust, to provide power to re-reserve land at Kardinia Park, and to make consequential amendments to the Geelong (Kardinia Park) Land Act 1950 and other Acts and for other purposes."