

Melbourne Cricket Ground (Amendment) Act 2003

Act No. 20/2003

TABLE OF PROVISIONS

<i>Section</i>	<i>Page</i>
1. Purpose	1
2. Commencement	2
3. Principal Act	2
4. Trustees	2
5. New sections 7A and 7AB inserted	2
7A. Delegation to Melbourne Cricket Club	2
7AB. Delegation by Melbourne Cricket Club	4
6. Melbourne Cricket Club to prepare business plan for Trust	5
7. New sections 7K and 7L inserted	5
7K. Melbourne Cricket Club may be Ground Manager	5
7L. Melbourne Cricket Club may receive fees and charges	6
8. New section 8B inserted	6
8B. Special provisions relating to the new Northern Stand	6
9. Amendment of section 11A	7
10. New sections 11B, 11C and 11D inserted	7
11B. Further lands added to Melbourne Cricket Ground	7
11C. Re-reservation of certain land for Yarra Park	9
11D. Strata to be added to Melbourne Cricket Ground	10
<hr/>	
ENDNOTES	12



Victoria

No. 20 of 2003

Melbourne Cricket Ground (Amendment) Act 2003[†]

[Assented to 13 May 2003]

The Parliament of Victoria enacts as follows:

1. *Purpose*

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

- (a) to make further provision in relation to the management of the Melbourne Cricket Ground; and
- (b) to ensure proper monitoring of the development of the Northern Stand; and

- (c) to make minor changes to the area of the Melbourne Cricket Ground for the purpose of the development of the Northern Stand.

2. Commencement

- (1) Subject to sub-section (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 30 June 2003, it comes into operation on that day.

3. Principal Act

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

See:
Act No.
4149/1933.
Reprint No. 1
as at
25 July 1996
and
amending
Act Nos
104/1998 and
57/2001.
LawToday:
[www.dms.
dpc.vic.
gov.au](http://www.dms.dpc.vic.gov.au)

4. Trustees

In section 5A(b) of the Principal Act, for "6 persons" **substitute** "not less than 6 and not more than 8 persons".

5. New sections 7A and 7AB inserted

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

"7A. Delegation to Melbourne Cricket Club

- (1) The Trust, with the approval of the Minister, may, by instrument, delegate to the Melbourne Cricket Club any part of the function or powers of the Trust, other than this power of delegation.

- (2) If the Trust delegates a function or power under this section—
- (a) the delegation does not prevent the performance or exercise of the function or power by the Trust; and
 - (b) the delegation may be made subject to any conditions or limitations that the Trust may specify; and
 - (c) a function or power so delegated, when performed or exercised by the Melbourne Cricket Club is, for the purposes of this Act, to be taken to have been performed or exercised by the Trust; and
 - (d) if the function or power relates to the management, control, improvement or use of the Ground, the Melbourne Cricket Club must implement any policy from time to time made by the Trust in relation to that function or power.
- (3) A policy referred to in sub-section (2)(d) must not be inconsistent with—
- (a) the terms and conditions of any agreement for the appointment of the Melbourne Cricket Club as Ground Manager of the whole or part of the Ground; or
 - (b) the terms and conditions of any lease to the Melbourne Cricket Club of the whole of the Ground.

7AB. Delegation by Melbourne Cricket Club

- (1) The Melbourne Cricket Club, with the approval of the Trust, may, by instrument, delegate to any person any function or power delegated to the Melbourne Cricket Club by the Trust.
- (2) If the Melbourne Cricket Club delegates a function or power under this section—
 - (a) the delegation does not prevent the performance or exercise of the function or power by the Melbourne Cricket Club; and
 - (b) the delegation must be made subject to any conditions or limitations that the Trust may specify; and
 - (c) a function or power so delegated, when performed or exercised by the delegate is, for the purposes of this Act, to be taken to have been performed or exercised by the Trust; and
 - (d) if the function or power relates to the management or use of the Ground, the delegate must implement any policy made from time to time by the Trust in relation to the function or power.
- (3) A policy referred to in sub-section (2)(d) must not be inconsistent with—
 - (a) any agreement appointing the Melbourne Cricket Club as Ground Manager of the whole or part of the Ground; or
 - (b) any lease to the Melbourne Cricket Club of the whole of the Ground."

6. Melbourne Cricket Club to prepare business plan for Trust

(1) After section 7F(1) of the Principal Act **insert**—

"(1A) While the Melbourne Cricket Club is Ground Manager of the whole of the Ground, the Melbourne Cricket Club must—

- (a) prepare the business plan on behalf of the Trust in accordance with the terms and conditions of the Melbourne Cricket Club's appointment as Ground Manager; and
- (b) submit the plan to the Trust for approval."

(2) In section 7F(2) of the Principal Act, after "prepared" **insert** "or approved".

7. New sections 7K and 7L inserted

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

"7K. Melbourne Cricket Club may be Ground Manager

- (1) The Trust may by agreement appoint the Melbourne Cricket Club as Ground Manager of the whole or part of the Ground during any period that the Melbourne Cricket Club is the lessee of the whole of the Ground.
 - (2) Section 7J does not apply to an appointment under this section.
 - (3) While the Melbourne Cricket Club is the Ground Manager of the whole of the Ground, the Trust must not enter into a contract with any other person to manage the whole or any part of the Ground.
-

7L. Melbourne Cricket Club may receive fees and charges

- (1) During any period that it is the Ground Manager of the whole of the Ground, the Melbourne Cricket Club is entitled to receive and retain all entrance fees and charges and all revenue and income arising in the course of its management of the Ground.
- (2) The power conferred by sub-section (1) is subject to the terms and conditions of any agreement for the appointment of the Melbourne Cricket Club as Ground Manager and all money collected by the Melbourne Cricket Club under that power must be allocated and disbursed in accordance with that agreement."

8. New section 8B inserted

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

"8B. Special provisions relating to the new Northern Stand

- (1) Despite sections 6J and 7A, the Trust must not delegate any function or power relating to the development of the Northern Stand on the Ground without the approval of the Minister.
- (2) The Trust must report to the Minister on the development of the Northern Stand on the Ground.
- (3) A report under sub-section (2) must be made at the end of 3 months after the commencement of section 8 of the **Melbourne Cricket Ground (Amendment) Act 2003** and then every 3 months until the completion of the development."

9. Amendment of section 11A

(1) After section 11A(5) of the Principal Act **insert**—

"(5A) Despite anything to the contrary in the **Yarra Park Road Act 1897**, if, on the commencement of section 9(1) of the **Melbourne Cricket Ground (Amendment) Act 2003**, any part of the land shown in the plan of survey is or is being used as a road, that part of the land ceases to be a road and all rights, easements and privileges existing or claimed in it either in the public or by any body or person as incident to any express or implied grant or past dedication or supposed dedication or by user or operation of law, cease."

(2) In section 11A(6) of the Principal Act, for "and (5)" **substitute** ", (5) and (5A)".

10. New sections 11B, 11C and 11D inserted

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

'11B. Further lands added to Melbourne Cricket Ground

- (1) In this section "**proposed MCG lands**" means the lands shown hatched on the plans numbered LEGL./03–021 and LEGL./03–022 and lodged in the Central Plan Office of the Department of Sustainability and Environment.
 - (2) This section applies despite anything to the contrary in the **Crown Land (Reserves) Act 1978** or any other Act or law.
 - (3) The Order in Council dated 9 June 1873 is revoked to the extent that it applies to the proposed MCG lands.
-

-
- (4) Crown grant Volume 600, Folio 119902 is revoked to the extent that it applies to the proposed MCG lands.
- (5) On the revocation of the Order in Council specified in sub-section (3) to the extent that it applies to the proposed MCG lands—
- (a) the proposed MCG lands are deemed to be permanently reserved under section 4(1) of the **Crown Land (Reserves) Act 1978**; and
 - (b) the proposed MCG lands are deemed to be included in and form part of the land reserved under the Order in Council dated 20 February 1934 and referred to in Crown grant Volume 5925, Folio 1184828; and
 - (c) despite anything to the contrary in the **Yarra Park Road Act 1897**, if any part of the proposed MCG lands is or is being used as a road, that part of the proposed MCG lands ceases to be a road and all rights, easements and privileges existing or claimed in it either in the public or by any body or person as incident to any express or implied grant or past dedication or supposed dedication or by user or operation of law, cease.
- (6) The Registrar of Titles is authorised and directed to make any entries in the Register that are necessary to give effect to sub-sections (4) and (5).

11C. Re-reservation of certain land for Yarra Park

- (1) In this section "**proposed Yarra Park land**" means the land shown cross-hatched on the plan numbered LEGL./03–023 and lodged in the Central Plan Office of the Department of Sustainability and Environment.
 - (2) This section applies despite anything to the contrary in the **Crown Land (Reserves) Act 1978** or any other Act or law.
 - (3) The Order in Council dated 20 February 1934 is revoked to the extent that it applies to the proposed Yarra Park land.
 - (4) Crown grant Volume 5925, Folio 1184828 is revoked to the extent that it applies to the proposed Yarra Park land.
 - (5) On the revocation of the Order in Council specified in sub-section (3) to the extent that it applies to the proposed Yarra Park land, the proposed Yarra Park land—
 - (a) ceases to be permanently reserved under section 4(1) of the **Crown Land (Reserves) Act 1978** as a site for the Melbourne Cricket Ground; and
 - (b) is deemed to be permanently reserved under section 4(1) of the **Crown Land (Reserves) Act 1978** for the purposes of Public Park (Yarra Park); and
 - (c) is deemed to be included in and form part of the land reserved under the Order in Council dated 9 June 1873 and referred to in Crown grant Volume 600, Folio 119902.
-

- (6) The Registrar of Titles is authorised and directed to make any entries in the Register that are necessary to give effect to sub-sections (4) and (5).

11D. Strata to be added to Melbourne Cricket Ground

- (1) In this section—

"MCG strata plan" means the plan numbered OP121865 and lodged in the Central Plan Office of the Department of Sustainability and Environment;

"Northern Stand strata" means the strata of land described as Crown Allotments 2013, 2014, 2015 and 2016 on the MCG strata plan.

- (2) This section has effect despite anything to the contrary in the **Crown Land (Reserves) Act 1978** or any other Act or law.
- (3) The Order in Council dated 9 June 1873 is revoked to the extent that it applies to the Northern Stand strata.
- (4) Crown grant Volume 600, Folio 119902 is revoked to the extent that it applies to the Northern Stand strata.
- (5) On the revocation of the Order in Council specified in sub-section (3) to the extent that it applies to the Northern Stand strata, the Northern Stand strata—
- (a) are deemed to be permanently reserved under section 4(1) of the **Crown Land (Reserves) Act 1978**; and

- (b) are deemed to be included in and form part of the land reserved under the Order in Council dated 20 February 1934 and referred to in Crown grant Volume 5925, Folio 1184828.
- (6) The Registrar of Titles is authorised and directed to make any entries in the Register that are necessary to give effect to sub-sections (4) and (5).'
-
-

ENDNOTES

† *Minister's second reading speech—*
Legislative Assembly: 20 March 2003
Legislative Council: 30 April 2003

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