

Melbourne Cricket Ground Act 2009

No. 15 of 2009

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Victoria

Melbourne Cricket Ground Act 2009[†]

No. 15 of 2009

[Assented to 7 April 2009]

Preamble

By an Order in Council dated 9 December 1861 land known as the Melbourne Cricket Ground was permanently reserved as a metropolitan cricket ground.

By a Crown grant dated 17 June 1862 the Melbourne Cricket Ground was granted to the trustees of the Melbourne Cricket Ground upon trust that the Ground and the buildings on it be maintained and used as and for a place for playing cricket and for related conveniences.

By an Order in Council dated 9 June 1873 land described in Crown grant Volume 600 Folio 119902 was permanently reserved as a site for a public park.

Melbourne Cricket Ground Act 2009
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Preamble

By a Crown grant dated 13 June 1873 land described in Crown grant Volume 600 Folio 119902 and the buildings on it were for the time being granted to the Board of Land and Works and the City of Melbourne upon trust to be maintained and used as a public park and related conveniences.

By a deed executed by the Board of Land and Works on 2 October 1929 and by the City of Melbourne on 6 November 1929 the Board and the City of Melbourne as trustees of the land described in Crown grant Volume 600 Folio 119902 granted to the Melbourne Cricket Club permission to occupy and use in connection with the Melbourne Cricket Ground an area of land being part of the land described in the Crown grant.

In order to provide more adequate accommodation for the public at the Melbourne Cricket Ground, particular areas of land described in Crown grant Volume 600 Folio 119902 were subsequently added to and included in the Melbourne Cricket Ground.

Certain adjustments to the boundaries of the Melbourne Cricket Ground and particular areas of the land described in Crown grant Volume 600 Folio 119902, and further provision with respect to the use and management of the Melbourne Cricket Ground, were made by the **Melbourne Cricket Ground Act 1933**.

Under the **Melbourne Cricket Ground Act 1933**, the permanent reservation and the Crown grant of the Melbourne Cricket Ground and particular areas of the land described in Crown grant Volume 600 Folio 119902 were revoked. Land described in the Fifth Schedule to that Act and known as the ground was granted to the trustees of the Melbourne Cricket Ground upon trust that the Ground be maintained and used as and for a place for playing at cricket and for conveniences connected therewith and when not required for cricket for such other purposes not inconsistent

with the foregoing as the trustees think fit and for no other purpose whatsoever.

By a Crown grant dated 4 December 1933 land including the Melbourne Cricket Ground and particular areas of the land formerly described in Crown grant Volume 600 Folio 119902 were entered as a Crown grant in the register book of the Office of Titles Volume 5925 Folio 1184828.

By an Order in Council dated 20 February 1934 land described in Crown grant Volume 5925 Folio 1184828 was permanently reserved as a site for the Melbourne Cricket Ground.

Under the **Melbourne Cricket Ground (Trustees) Act 1957** amendments were made in relation to the trustees of the Melbourne Cricket Ground.

Certain adjustments to the boundaries of the Melbourne Cricket Ground were made by the **Melbourne Cricket Ground Act 1951**, the **Melbourne Cricket Ground Act 1962** and the **Melbourne Cricket Ground Act 1963**.

Under the **Melbourne Cricket Ground Act 1984** provision was made for the construction and operation of floodlights at the Melbourne Cricket Ground.

Under the **Melbourne Cricket Ground (Guarantees) Act 1984** the Treasurer was authorised to guarantee the repayment or satisfaction of money borrowed or advances or other financial accommodation obtained by the Melbourne Cricket Club and amendments were made with respect to the borrowing powers of the Melbourne Cricket Club.

The trustees of the Melbourne Cricket Ground were incorporated and the powers of the Melbourne Cricket Ground Trust widened under the **Melbourne Cricket Ground Trust Act 1989**.

It is expedient to re-enact the law relating to the Melbourne Cricket Ground.

The Parliament of Victoria therefore enacts:

1 Purpose

The purpose of this Act is to—

- (a) re-enact and further provide for the law relating to the Melbourne Cricket Ground; and
- (b) repeal the **Melbourne Cricket Ground Act 1933**, the **Melbourne Cricket Ground Act 1951**, the **Melbourne Cricket Ground (Trustees) Act 1957**, the **Melbourne Cricket Ground Act 1983**, the **Melbourne Cricket Ground Act 1984**, the **Melbourne Cricket Ground (Guarantees) Act 1984** and the **Melbourne Cricket Ground Trust Act 1989**; and
- (c) make consequential amendments to various other Acts.

2 Commencement

This Act comes into operation on the day after the day on which it receives the Royal Assent.

3 Definitions

In this Act—

chairperson means a person appointed under section 7(a);

financial accommodation has the same meaning as in the **Borrowing and Investment Powers Act 1987**;

financial arrangement means an arrangement entered into for the purpose of managing, lessening, hedging or protecting against movements in interest or discount rates or other costs of obtaining financial accommodation;

Ground means the land and strata described as Crown Allotments 1, 1A, 1B, 1C and 1D of Section 19C and Crown Allotments 2003, 2013, 2014, 2015, 2016, 2017, 2018 and 2065 at East Melbourne, City of Melbourne, Parish of Melbourne North;

Melbourne Cricket Club means the body corporate constituted by the **Melbourne Cricket Club Act 1974** under the name "Melbourne Cricket Club";

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

specified Minister means—

- (a) the Minister; or
- (b) the Minister administering the **Sport and Recreation Act 1972**; or
- (c) the Treasurer;

Trust means the Melbourne Cricket Ground Trust established under section 4.

4 Melbourne Cricket Ground Trust

- (1) There is established a trust known as the Melbourne Cricket Ground Trust.
- (2) The Trust—
 - (a) is a body corporate with perpetual succession; and
 - (b) has a common seal; and

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- (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 bodies corporate may do or
suffer.

5 Grant of Ground to Trust

- (1) The Trust is deemed to be the grantee of the
Ground.
- (2) Crown grant Volume 5925 Folio 1184828 is
deemed to have effect subject to subsection (1) as
follows—
 - (a) all land and strata set out in the definition of
the Ground are deemed to be included in,
and form part of, the land referred to in the
Crown grant; and
 - (b) the Trust is deemed to be the body to which
the land and strata is granted under the
Crown grant.
- (3) The Ground is deemed to continue to be
permanently reserved under section 4(1) of the
Crown Land (Reserves) Act 1978 for the public
to be maintained and used as and for a place for
playing at cricket and for conveniences connected
therewith and, when not required for cricket, for
such other purposes not inconsistent with the
foregoing as the Trust thinks fit, and for no other
purpose whatsoever.

6 Powers and functions

- (1) The functions of the Trust are—
 - (a) to manage, control and make improvements to the Ground at the Trust's discretion; and
 - (b) to carry out any other function conferred on or given to the Trust by or under this Act or any other Act; and
 - (c) upon the request of the Minister, to provide to the Minister advice in relation to—
 - (i) the construction and management of sporting facilities; or
 - (ii) the management of major sporting events.
 - (2) The Trust has power to do all things necessary for carrying out its functions.
 - (3) Without limiting subsection (2), the Trust, with the approval of the Treasurer and for the purposes of carrying out its functions, may—
 - (a) invest money of the Trust in any manner approved by the Treasurer;
 - (b) form, or participate in the formation of, a corporation, trust or partnership;
 - (c) subscribe for or otherwise acquire, hold and dispose of or otherwise deal with any securities of a corporation;
 - (d) subscribe for or otherwise acquire, hold and dispose of units in a unit trust;
 - (e) become a member of a corporation, trust, partnership or joint venture;
 - (f) enter into any arrangement for the sharing of profits.
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7 Constitution of Trust

The Trust consists of—

- (a) a chairperson appointed by the Governor in Council; and
- (b) not less than 6 and not more than 8 members appointed by the Governor in Council, being persons who have experience in sports, sports administration, business, financial or community affairs.

8 Terms and conditions of appointment of members

A member—

- (a) may be appointed for the period not exceeding 5 years that is specified in the member's instrument of appointment; and
- (b) is eligible for reappointment; and
- (c) is entitled to receive fees, travelling and other allowances from time to time fixed by the Governor in Council; and
- (d) is subject to any other terms and conditions that are specified in the member's instrument of appointment.

9 Resignation, removal and vacancies

- (1) A member may resign by giving notice in writing to the Governor in Council.
- (2) The Governor in Council may remove a member at any time if the member—
 - (a) becomes incapable of performing his or her duties as a member; or
 - (b) is negligent in the performance of his or her duties as a member; or
 - (c) engages in improper conduct; or
 - (d) fails to disclose a conflict of interest; or

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- (e) becomes insolvent under administration; or
 - (f) is found guilty of an offence against the Corporations Act.
- (3) If a member of the Trust resigns or is removed, the Governor in Council may appoint another member in accordance with this Act.

10 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.

11 Pecuniary and other interests of members

- (1) If a member—
- (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 at a meeting, the member must declare the nature of the interest at the meeting, as soon as practicable after the relevant facts have come to his or her knowledge.

- (2) The person presiding at a meeting at which a declaration under subsection (1) is made must ensure that the declaration is recorded in the minutes of the meeting.
- (3) If a declaration is made under subsection (1)—
- (a) unless the Trust otherwise directs, the member must not be present during any deliberation with respect to the matter; and

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- (b) the member is not entitled to vote on the matter; and
 - (c) if the member votes on the matter, the vote must be disallowed.

12 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 permit 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.

13 Staff

The Trust may employ any such persons as are necessary for the performance of its functions.

14 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.

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- (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 enable the Minister to determine whether the Trust has complied with such a direction.

15 Delegation

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

16 Leases and licences

Despite anything to the contrary in the **Crown Land (Reserves) Act 1978** or any other Act or law, the Trust, with the approval of the Minister—

- (a) may grant leases for terms not exceeding 99 years; and
- (b) may grant licences for terms not exceeding 50 years—

in respect of the whole or a part of the Ground for purposes consistent with the purpose for which the land is reserved.

17 Occupancy of Melbourne Cricket Club

- (1) Despite any other provision of this Act, the Melbourne Cricket Club is entitled to occupy the Ground to the extent and in the manner enjoyed by it at the commencement of the **Melbourne Cricket Ground Act 1933** so long as—
 - (a) the constitution of the Melbourne Cricket Club is not altered without the consent of the Trust; and

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- (b) the Melbourne Cricket Club commits no wilful and persistent breach of any regulations made from time to time by the Trust in respect of the Ground; and
 - (c) the Melbourne Cricket Club commits no wilful and persistent breach of any agreement in writing made between it and the Trust; and
 - (d) any money borrowed (whether before or after the commencement of this Act) and applied by the Melbourne Cricket Club for the purpose of improving the Ground is owing by the Melbourne Cricket Club to the lenders of the money or to persons lawfully deriving title from those lenders.
- (2) The occupation by the Melbourne Cricket Club of the Ground under subsection (1) is deemed to be an occupation pursuant to permission of the Trust lawfully given in the performance of its functions and in accordance with the terms of the Crown Grant and not otherwise.

18 Tendering for management contracts

- (1) The Trust, by public notice, may call for tenders for the management of the whole or a part of the Ground.
 - (2) Before entering into a contract for the management of the whole or a part of the Ground, the Trust must consider all tenders received by it before the date specified in the public notice as the closing date for the receipt of tenders.
 - (3) The Trust may only award a contract to a person who has submitted a tender in response to and in accordance with the public notice but the Trust is not required to award a contract to the lowest tenderer.
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19 Melbourne Cricket Club may be Ground manager

- (1) The Trust may appoint, by agreement, the Melbourne Cricket Club as Ground manager of the whole or a part of the Ground during a period that the Melbourne Cricket Club is the lessee of the whole of the Ground.
- (2) The Trust is not required to call for tenders before making an appointment under subsection (1).
- (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.

20 Melbourne Cricket Club may receive fees and charges

- (1) While the Melbourne Cricket Club 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) Subsection (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 subsection must be allocated and disbursed in accordance with that agreement.

21 Delegation to Melbourne Cricket Club

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

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- (2) If the Trust delegates a function or power under subsection (1), and 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.

22 Delegation by Melbourne Cricket Club

- (1) The Melbourne Cricket Club, with the approval of the Trust, may delegate by instrument to any person any function or power delegated to the Melbourne Cricket Club by the Trust, other than this power of delegation.
- (2) If the Melbourne Cricket Club delegates a function or power under subsection (1), and 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 subsection (2) must not be inconsistent with—
- (a) any agreement appointing the Melbourne Cricket Club as Ground manager of the whole or a part of the Ground; or
 - (b) any lease to the Melbourne Cricket Club of the whole of the Ground.

23 Borrowing powers of Trust

- (1) The Trust, with the approval of the Treasurer, may obtain financial accommodation and enter into and perform financial arrangements.
- (2) If the Trust obtains financial accommodation or enters into and performs financial arrangements under subsection (1), the Treasurer may execute a guarantee, in favour of any person, guaranteeing the repayment of any money payable under, or the satisfaction of, that financial accommodation or
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those financial arrangements, including any interest charges or expenses chargeable by the creditor against the Trust and any expenses of enforcing that financial accommodation or those financial arrangements.

- (3) A guarantee given by the Treasurer under subsection (2) must be in the form and subject to the terms and conditions determined by the Treasurer.
- (4) A sum required to be paid by the Treasurer in fulfilling a guarantee under this section must be paid out of the Consolidated Fund which is appropriated to the necessary extent for the payment to be made.
- (5) A sum received or recovered by the Treasurer from the Trust or any other sum received in respect of payment by the Treasurer under a guarantee must be paid into the Consolidated Fund.

24 Guarantees for Melbourne Cricket Club

- (1) If the Melbourne Cricket Club obtains financial accommodation or enters into and performs financial arrangements, the Treasurer may execute a guarantee, in favour of any person, guaranteeing the repayment of any money payable under, or the satisfaction of, that financial accommodation or those financial arrangements, including any interest charges or expenses chargeable by the creditor against the Melbourne Cricket Club and any expenses of enforcing that financial accommodation or those financial arrangements.
- (2) A guarantee given by the Treasurer under subsection (1) must be in the form and subject to the terms and conditions determined by the Treasurer.

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- (3) Without limiting subsection (2), the guarantee may be subject to the following conditions—
- (a) that the holder of the guarantee must hold securities as required by the Treasurer for the repayment of the financial accommodation or financial arrangements;
 - (b) that the guarantee is not enforceable against the Treasurer unless the holder of the guarantee has exercised, to the Treasurer's satisfaction, the holder's rights and remedies under all securities held by or for the holder in respect of the financial accommodation or financial arrangements.
- (4) A sum required to be paid by the Treasurer in fulfilling a guarantee under this section must be paid out of the Consolidated Fund which is appropriated to the necessary extent for the payment to be made.
- (5) A sum received or recovered by the Treasurer from the Melbourne Cricket Club or any other sum received in respect of payment by the Treasurer under a guarantee must be paid into the Consolidated Fund.
- (6) The Treasurer must not execute a guarantee under this section if the guarantee would involve the Treasurer in a liability in respect of a principal sum which when added to the total liabilities then subsisting in respect of other principal sums guaranteed under this section would in total exceed the sum as may be determined by the Treasurer from time to time.
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25 Business plan

- (1) The Trust must prepare a business plan for each year.
- (2) 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.
- (3) On or before the date in each year that is determined by the Minister, the Trust must give a copy of the plan it has prepared under subsection (1) or has approved under subsection (2) to each specified Minister.
- (4) The business plan must be in the 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.
- (5) The Trust must consider any comment on the plan prepared under subsection (4) that is made by a specified Minister within 2 months after the plan was submitted to the Minister.

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- (6) If a specified Minister has made a comment under subsection (5), the Trust must—
- (a) consult in good faith with the Minister; and
 - (b) make any changes to the plan that are agreed upon between the Minister and the Trust; and
 - (c) deliver the settled plan to each specified Minister.
- (7) The whole or a part of the plan must not be published or made available except for the purposes of this section without the prior approval of each specified Minister.

26 Annual report

- (1) In each year, within 3 months after the end of its financial year, the Trust must submit a report to each specified Minister in respect of the preceding financial year.
- (2) A report under subsection (1) must contain—
- (a) a report of the operations of the Trust during the financial year; and
 - (b) financial statements for the financial year.

27 Commercial exploitation of name prohibited

A person, in the course of a trade or business, must not 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.

Penalty: in the case of a natural person,
100 penalty units;
in the case of a body corporate,
600 penalty units.

28 Spectator stands

Nothing in the **Planning and Environment Act 1987** or in any planning scheme made under that Act applies to the development or use of any spectator stand on the Ground.

29 Floodlight towers

- (1) Despite anything to the contrary in the **Planning and Environment Act 1987** or in any planning scheme made under that Act, the Trust may—
 - (a) replace, remove, refurbish or upgrade the floodlight towers on the Ground; and
 - (b) operate the floodlights affixed to those floodlight towers.
- (2) Any building or works associated with a floodlight tower under subsection (1) must be undertaken in accordance with the plans and specifications approved by the Minister administering the **Crown Land (Reserves) Act 1978** and the Minister administering the **Planning and Environment Act 1987**.

30 Ministerial determination in relation to floodlights

- (1) The Minister may make a determination specifying a day or days on which the floodlights affixed to the floodlight towers may be operated.
- (2) A determination under subsection (1) may make provision for any of the following matters—
 - (a) times of the day when the floodlights may be used;
 - (b) the purpose for which the floodlights may be used;
 - (c) entrance into and exit from Yarra Park Reserve of vehicles on any day when the floodlights may be used;

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- (d) parking of vehicles in Yarra Park Reserve on any day when the floodlights may be used;
 - (e) any other relevant matter specified in the determination.
- (3) A determination under subsection (1) must be published in the Government Gazette.
- (4) In this section, *Yarra Park Reserve* means the land described as Crown Allotment 2B of section 19C and Crown Allotment 2019 at East Melbourne, City of Melbourne, Parish of Melbourne North.

31 Operation of floodlights

The Trust or the Ground manager must operate the floodlights affixed to the floodlight towers in accordance with a determination of the Minister under section 30.

32 No injunction or other relief

- (1) An action seeking relief by way of an injunction or seeking any other form of relief does not lie against any person specified in subsection (2) merely because that person—
- (a) replaces, removes, refurbishes or upgrades the floodlight towers; or
 - (b) operates the floodlights affixed to the floodlight towers—
- in accordance with this Act.
- (2) For the purposes of subsection (1), the following persons are specified—
- (a) the Trust;
 - (b) any member of the Trust;
 - (c) the Melbourne Cricket Club;

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- (d) any person employed in the administration of this Act;
 - (e) any person conducting an event at the Ground;
 - (f) an employee of the Trust, Melbourne Cricket Club, or any person conducting an event at the Ground.

33 Regulations

- (1) Despite anything to the contrary in the **Land Act 1958**, or the **Crown Land (Reserves) Act 1978**, the Trust, with the approval of the Governor in Council, may make regulations with respect to the functions of the Trust.
- (2) Without limiting subsection (1), the Trust may make regulations for or with respect to—
 - (a) the admission of the public to the whole or any part of the Ground;
 - (b) the collection of entrance fees or other charges for entering upon the whole or any part of the Ground;
 - (c) the preservation of good order and behaviour.
- (3) Regulations made under this section must—
 - (a) be published in the Government Gazette; and
 - (b) be posted in a conspicuous place in each part of the Ground.
- (4) A person must comply with any regulations made under this section.

Penalty: 10 penalty units.

34 Transitional provisions

- (1) Subject to section 5, the repeal of section 5 of the **Melbourne Cricket Ground Act 1933** is not to be taken to affect the Crown grant made under that section.
- (2) Despite the repeal of section 5B of the **Melbourne Cricket Ground Act 1933**—
 - (a) the pre-dating Trust is deemed to continue in existence as if it were established as the Trust under this Act; and
 - (b) each member of the pre-dating Trust is deemed to continue in office as a member of the Trust, as if the member had been appointed under this Act, for the remaining period of that member's term of appointment.
- (3) Despite the repeal of section 5B of the **Melbourne Cricket Ground Act 1933**—
 - (a) any rights, property and assets that immediately before that repeal were vested in the pre-dating Trust are deemed to be vested in the Trust established under this Act; and
 - (b) any debts, liabilities and obligations of the pre-dating Trust that were existing immediately before that commencement are deemed to be the debts, liabilities and obligations of the Trust established under this Act; and
 - (c) the Trust established under this Act is deemed to be substituted as a party to any proceedings pending in any court to which the pre-dating Trust was a party immediately before that repeal; and

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- (d) the Trust established under this Act is substituted as a party to any arrangement or contract entered into by or on behalf of the pre-dating Trust and in force immediately before that repeal; and
- (e) any reference to the pre-dating Trust in any Act or in any subordinate instrument, agreement, instrument, deed or other document whatsoever, so far as it relates to any period after that repeal and if not inconsistent with the context or subject matter, must be construed as a reference to the Trust established under this Act and the force and effect of any such document is not to be taken to be affected by that repeal.
- (4) The repeal of section 6J of the **Melbourne Cricket Ground Act 1933** is not to be taken to affect any delegation made under that section as in force immediately before that repeal and that delegation is to be taken to continue in force as if made under section 15 of this Act and as if the Trust were the delegator.
- (5) The repeal of section 7A of the **Melbourne Cricket Ground Act 1933** is not to be taken to affect any delegation made under that section as in force immediately before that repeal and that delegation is to be taken to continue in force as if made under section 21 of this Act and as if the Trust were the delegator.
- (6) The repeal of section 7AB of the **Melbourne Cricket Ground Act 1933** is not to be taken to affect any delegation made under that section as in force immediately before that repeal and that delegation is to be taken to continue in force as if made under section 22 of this Act and as if the Trust were the body corporate who approved the delegation.
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- (7) The repeal of section 7B of the **Melbourne Cricket Ground Act 1933** is not to be taken to affect any lease or licence granted under that section as in force immediately before that repeal and that lease or licence is to be taken to continue in force as if made under section 16 of this Act and as if the Trust were a party to the lease or licence in place of the pre-dating Trust.
 - (8) The repeal of section 7C of the **Melbourne Cricket Ground Act 1933** is not to be taken to affect any guarantee made under that section as in force immediately before that repeal and that guarantee is to be taken to continue in force as if made under section 23 of this Act.
 - (9) The repeal of section 7E of the **Melbourne Cricket Ground Act 1933** is not to be taken to affect any indemnity executed, or any other arrangement entered into, under that section as in force immediately before that repeal and that indemnity or that arrangement is to be taken to continue in force and the Treasurer is to be taken to continue to have the power to enter into and fulfil any liability under that indemnity or that arrangement and to carry out any duty or obligation under that indemnity or that arrangement.
 - (10) The repeal of section 7F of the **Melbourne Cricket Ground Act 1933** is not to be taken to affect any business plan made under that section as in force immediately before that repeal and that business plan is to be taken to continue in force as if made under section 25 of this Act as if it were made by the Trust.
 - (11) The repeal of section 7K of the **Melbourne Cricket Ground Act 1933** is not to be taken to affect an appointment made under that section as in force immediately before that repeal and that
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appointment is to be taken to continue in force as if made under section 19 of this Act and as if it were made by the Trust.

- (12) The repeal of section 9 of the **Melbourne Cricket Ground Act 1933** is not to be taken to affect the Regulations made under that section as in force immediately before that repeal and the Regulations are to be taken to continue in force as if made under section 33 of this Act and as if made by the Trust.
- (13) The repeal of section 3 of the **Melbourne Cricket Ground (Guarantees) Act 1984** is not to be taken to affect any guarantee made under that section as in force immediately before that repeal and that guarantee is to be taken to continue in force as if made under section 24 of this Act.
- (14) The repeal of section 4 of the **Melbourne Cricket Ground (Guarantees) Act 1984** is not to be taken to affect any determination made under that section as in force immediately before that repeal and that determination is to be taken to continue in force as if made under section 24(6) of this Act.
- (15) In this section—

pre-dating Trust means the body corporate that was, immediately before the repeal of section 5B of the **Melbourne Cricket Ground Act 1933**, the *Trust* within the meaning of the **Melbourne Cricket Ground Act 1933**;

the Regulations means the regulations for the Melbourne Cricket Ground made by the Melbourne Cricket Ground Trust on 2 December 1994, with the approval of the Governor in Council on 29 November 1994 and published in Special Government Gazette No. S. 101 (pages 6–9) on

21 December 1994 and subsequently amended by the Melbourne Cricket Ground (Amendment) Regulations 1997 on 23 September 1997, with the approval of the Governor in Council on 25 November 1997 and published in the Government Gazette No. G. 48 (pages 3337–3338) on 4 December 1997.

35 Repeal of Melbourne Cricket Ground Acts

The **Melbourne Cricket Ground Act 1933**, the **Melbourne Cricket Ground Act 1951**, the **Melbourne Cricket Ground (Trustees) Act 1957**, the **Melbourne Cricket Ground Act 1983**, the **Melbourne Cricket Ground Act 1984**, the **Melbourne Cricket Ground (Guarantees) Act 1984** and the **Melbourne Cricket Ground Trust Act 1989** are repealed.

36 Consequential amendments to various Acts

- (1) In section 2 of the **Cultural and Recreational Lands Act 1963**, in the definition of *recreational lands*, for paragraph (c) substitute—

"(c) the Melbourne Cricket Ground (which has the same meaning as *Ground* has in the **Melbourne Cricket Ground Act 2009**); or".
- (2) In section 3 of the **Major Events (Aerial Advertising) Act 2007**, in the definition of *MCG*, for "Melbourne Cricket Ground Act 1933" substitute "Melbourne Cricket Ground Act 2009".
- (3) In section 3(1) of the **Major Events (Crowd Management) Act 2003**, in the definition of *Melbourne Cricket Ground*, for "Melbourne Cricket Ground Act 1933" substitute "Melbourne Cricket Ground Act 2009".

ENDNOTES

† *Minister's second reading speech—*

Legislative Assembly: 4 December 2008

Legislative Council: 12 March 2009

The long title for the Bill for this Act was "A Bill for an Act to re-enact and further provide for the law relating to the Melbourne Cricket Ground, to repeal the **Melbourne Cricket Ground Act 1933**, the **Melbourne Cricket Ground Act 1951**, the **Melbourne Cricket Ground (Trustees) Act 1957**, the **Melbourne Cricket Ground Act 1983**, the **Melbourne Cricket Ground Act 1984**, the **Melbourne Cricket Ground (Guarantees) Act 1984** and the **Melbourne Cricket Ground Trust Act 1989**, to make consequential amendments to various other Acts and for other purposes."

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Melbourne Cricket Ground Act 2009
No. 15 of 2009

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