

Version No. 042
Melbourne and Olympic Parks Act 1985
No. 10206 of 1985
Version incorporating amendments as at 9 November 2007

TABLE OF PROVISIONS

<i>Section</i>	<i>Page</i>
PART 1—PRELIMINARY	1
1 Short title	1
2 Commencement	1
3 Purposes of this Act	1
4 Definitions	2
PART 2—CONSTITUTION OF THE TRUST	4
5 Establishment of Trust	4
6 Powers and functions	4
7 Further powers	6
8 Membership	7
9 Membership not an office of profit	8
10 Terms of office	8
11 Resignation and Removal	9
12 Chairperson	9
13 Acting member	9
14 Payment of members	10
15 Procedure of Trust	10
16 Convening of meetings	11
16A Effect of vacancy or defect	11
16B Member's pecuniary interest	11
16C Immunity	12
16D Staff	12
16E Delegation	13
16F Business plan	13
PART 3—<i>Repealed</i>	14
16G–16J <i>Repealed</i>	14
PART 4—FINANCIAL AND GENERAL PROVISIONS	15

<i>Section</i>	<i>Page</i>
17 Melbourne and Olympic Parks Trust Fund	15
17A <i>Repealed</i>	16
18 Borrowing and investment powers	17
18A–21 <i>Repealed</i>	17
22 Regulations	17
22A Powers of removal	19
22B Proceedings for offences	19
PART 5—MELBOURNE PARK	20
23 Power to excise an area to be surveyed from Flinders Park	20
24 Power to excise an area to be surveyed from Yarra Park	21
25 Power to excise an area to be surveyed from the Public Park Reserve	22
25A Divesting and reservation of railway land	23
25B Further power to excise area to be surveyed from Flinders Park	27
25C Further power to excise area to be surveyed from Yarra Park	28
25D Further power to excise area to be surveyed from the Public Park Reserve	29
25E Power to excise additional area from Yarra Park	30
25F Power to excise additional area from Public Park Reserve	31
26 No compensation payable by Crown	32
26A Supreme Court—limitation of jurisdiction	33
27 Total area of excisions	33
28 Obligations of Registrar of Titles	33
29 Power to enter and use reserved lands	33
30 Transitional provision	34
PART 6—OLYMPIC PARK LAND	35
31 Olympic Park Reservation	35
31A Revocation of part of Melbourne City Link Reservation and reservation as Olympic Park land	35
31B Reservation of former City Link land	37
32 Registrar of Titles to make necessary amendments to Register	37
PART 7—TRANSITIONALS	38
33 Abolition of Funds and transitional	38
SCHEDULE	39

<i>Section</i>	<i>Page</i>
Part 1—Lands as to part of which the Reservations and Crown Grant are revoked by this Act	39
Part 2—Land in the City of Melbourne	40
Part 3—Extension of National Tennis Centre Reserve	41
Part 4—Extension of National Tennis Centre Reserve	42
Part 4A—National Tennis Centre Reserve	43
Part 5—Land as to which reservations are affected by Part 6 of this Act	44
////////////////////	
ENDNOTES	45
1. General Information	45
2. Table of Amendments	46
3. Explanatory Details	49

Version No. 042

Melbourne and Olympic Parks Act 1985

No. 10206 of 1985

Version incorporating amendments as at 9 November 2007

An Act to establish a National Tennis Centre Trust to administer
a national tennis centre and for other purposes.

The Parliament of Victoria enacts as follows:

PART 1—PRELIMINARY

1 Short title

This Act may be cited as the **Melbourne and Olympic Parks Act 1985**.

Pt 1 (Heading)
inserted by
No. 34/1995
S. 4,
amended by
No. 34/1995
s. 5.

2 Commencement

This Act shall come into operation on a day to be fixed by proclamation of the Governor in Council published in the Government Gazette.

3 Purposes of this Act

The purposes of this Act are—

- (a) to create a Melbourne and Olympic Parks Trust to administer the National Tennis Centre, Olympic Park and certain other land and facilities for the purposes of tennis, other sports, recreation and entertainment; and
- (b) to provide for the management and operation of the National Tennis Centre and Olympic Park; and

S. 3(a)
substituted by
No. 34/1995
s. 6,
amended by
No. 56/1997
s. 3(a).

S. 3(b)
substituted by
No. 34/1995
s. 6.

s. 4

S. 3(c)
substituted by
No. 34/1995
s. 6,
amended by
No. 56/1997
s. 3(b).

(c) to provide for the use and promotion of the National Tennis Centre and Olympic Park;
and

S. 3(d)
inserted by
No. 56/1997
s. 3(b).

(d) to provide for the development, promotion, management, operation and use of sports, recreation and entertainment facilities and services in Victoria in addition to those at the National Tennis Centre and Olympic Park.

4 Definitions

In this Act unless inconsistent with the context or subject-matter—

S. 4 def. of
association
repealed by
No. 56/1997
s. 6(2).

* * * * *

S. 4 def. of
centre
repealed by
No. 34/1995
s. 7(b).

* * * * *

S. 4 def. of
Melbourne Park
inserted by
No. 34/1995
s. 7(a).

Melbourne Park includes the national tennis centre land;

S. 4 def. of
member
amended by
No. 34/1995
s. 7(c).

member means a member of the Melbourne and Olympic Parks Trust and includes the chairperson and a person appointed to act as a member or chairperson;

S. 4 def. of
National Tennis Centre
inserted by
No. 34/1995
s. 7(a).

National Tennis Centre means the national tennis centre land at Melbourne Park and the facilities for the purposes of tennis, other sports, recreation and entertainment on that land;

national tennis centre land means the land excised under sections 23, 24 and 25 and land reserved under sections 25A, 25B, 25C, 25D, 25E and 25F;

S. 4 def. of *national tennis centre land* amended by Nos 90/1994 s. 3, 42/1998 s. 4.

Olympic Park means the olympic park land and the facilities for the purposes of sport, recreation and entertainment on that land;

S. 4 def. of *Olympic Park* inserted by No. 34/1995 s. 7(a).

Olympic Park land means so much of the land that is described in Part 5 of the Schedule as is shown as—

S. 4 def. of *Olympic Park land* inserted by No. 34/1995 s. 7(a), amended by No. 50/1998 s. 41, substituted by No. 81/2000 s. 41.

(a) parcels A, B and C; and

(b) a sport recreation and entertainment reserve—

in the plan numbered LEGL./00–24 lodged in the Central Plan Office of the Department of Natural Resources and Environment;

Trust means the Melbourne and Olympic Parks Trust established by this Act.

S. 4 def. of *Trust* amended by No. 34/1995 s. 7(d).

Pt 2 (Heading)
inserted by
No. 34/1995
s. 8.
S. 5
substituted by
No. 34/1995
s. 8.

PART 2—CONSTITUTION OF THE TRUST¹

5 Establishment of Trust²

- (1) There is established a Trust to be called the Melbourne and Olympic Parks Trust.
- (2) The Trust—
 - (a) is a body corporate with perpetual succession; and
 - (b) has a common seal; and
 - (c) may sue and be sued in its corporate name; and
 - (d) may acquire, hold and dispose of real and personal property; and
 - (e) may do and suffer all acts and things that a body corporate may, by law, do and suffer.
- (3) The common seal must be kept as directed by the Trust and must not be used except as authorised by the Trust.
- (4) All courts must take judicial notice of the seal of the Trust on a document and, until the contrary is proved, must presume that the document was properly sealed.

6 Powers and functions

- (1) The Trust has the following functions—
 - (a) to be responsible for the care, improvement, use and promotion of the National Tennis Centre and Olympic Park as facilities for tennis, other sports, recreation and entertainment;
 - (b) to operate the National Tennis Centre and Olympic Park efficiently and effectively to obtain the best possible use of the facilities;

S. 6
amended by
No. 73/1986
s. 4(a),
substituted by
No. 34/1995
s. 8.

-
- (c) to provide planning for the operation of the National Tennis Centre and Olympic Park which is co-ordinated between the two facilities;
- (d) to be responsible for proper financial management of the National Tennis Centre and Olympic Park;
- (e) to provide for the planning, development, promotion, management, operation and use of other sports, recreation and entertainment facilities and services in Victoria; and **S. 6(1)(e) substituted by No. 56/1997 s. 4(1).**
- (f) to provide for the development, promotion, management, operation and use of facilities and services for the parking of vehicles and other necessary services to be used in conjunction with any of the facilities operated or managed by the Trust; and **S. 6(1)(f) substituted by No. 56/1997 s. 4(1).**
- (g) to accept appointment and act as a committee of management of Crown lands; and **S. 6(1)(g) inserted by No. 56/1997 s. 4(1), amended by No. 19/2003 s. 31(a).**
- (h) to carry out any other function conferred on or given to the Trust by or under any other Act. **S. 6(1)(h) inserted by No. 19/2003 s. 31(b).**
- (1A) The Trust must not carry out any of its functions with respect to land, facilities or services outside the National Tennis Centre or Olympic Park or exercise any powers in relation to those functions without the approval of the Premier, the Treasurer and the Minister. **S. 6(1A) inserted by No. 56/1997 s. 4(2).**
- (2) The Trust has all the powers necessary to enable it to perform its functions.
- (3) The Minister may give the Trust directions in relation to the carrying out of its functions under this Act.
-

- (4) The Trust must comply with the directions of the Minister in carrying out its functions under this Act.

S. 7
amended by
Nos 73/1986
s. 4(b)–(d),
77/1988 s. 4,
substituted by
No. 34/1995
s. 8.

7 Further powers³

Without limiting section 6(2), the Trust has the power to do all or any of the following—

S. 7(b)
substituted by
No. 56/1997
s. 5(a).

- (a) in the case of the National Tennis Centre and Olympic Park—
- (i) subject to the consent of the Minister administering the **Crown Land (Reserves) Act 1978**, grant leases of the whole or any part of the National Tennis Centre or Olympic Park;
 - (ii) grant licences or permits for the use or development of the whole or any part of the National Tennis Centre or Olympic Park;
- (b) in the case of any other land or facilities managed or operated by the Trust—
- (i) grant licences or permits for the use or development of the whole or any part of that land or those facilities; or
 - (ii) enter into leases;
- (d) appoint agents or engage consultants;
- (e) impose a fee or charge for—

S. 7(e)(i)
amended by
No. 56/1997
s. 5(b).

- (i) entry to the whole or any part of the National Tennis Centre or Olympic Park or any other land, facilities or services managed or operated by the Trust, whether or not that entry is for the purposes of a particular event or activity or otherwise and whether or not the fee or charge is collected, either in

whole or in part, on behalf of another person; or

- (ii) for the use of facilities or services at the National Tennis Centre or Olympic Park or any other facilities or services managed or operated by the Trust; S. 7(e)(ii) amended by No. 56/1997 s. 5(c).
- (f) enter into contracts, agreements or arrangements for the carrying out of its functions, including, but not limited to, contracts agreements or arrangements for the provision of goods or services to the Trust or at the National Tennis Centre or Olympic Park or any other land, facilities or services managed or operated by the Trust; S. 7(f) amended by No. 56/1997 s. 5(b).
- (g) apply for, obtain and hold, whether on its own behalf or jointly with any other person, any intellectual property rights;
- (h) assign or grant licences in respect of those intellectual property rights, with or without charge;
- (i) enter into agreements and arrangements for commercial exploitation of intellectual property rights.

8 Membership

The Trust is to consist of 12 members appointed by the Governor in Council of whom—

- (a) 9 persons are to be appointed on the nomination of the Minister; S. 8 amended by No. 73/1986 s. 5(a)(i)(ii), substituted by No. 34/1995 s. 8.
- (b) 2 persons are to be appointed on the nomination of the Lawn Tennis Association of Australia; S. 8(b) amended by No. 56/1997 s. 6(3).
- (c) 1 person is to be appointed on the nomination of the Victorian Tennis Association.

s. 9

S. 9
substituted by
No. 34/1995
s. 8.

9 Membership not an office of profit

A member of the Trust shall not be taken by reason of being such a member of the Trust to hold an office or place of profit under the Crown which would—

- (a) prevent the member sitting or voting as a member of the Legislative Council or Legislative Assembly; or
- (b) make void the member's election to the Legislative Council or Legislative Assembly; or
- (c) prevent the Member continuing to be a member of the Legislative Council or Legislative Assembly; or
- (d) subject the member to liability to a penalty under the **Constitution Act 1975**.

S. 10
substituted by
No. 34/1995
s. 8.

10 Terms of office

- (1) A member of the Trust holds office—
 - (a) for the period, not exceeding 4 years; and
 - (b) upon the terms and conditions—
specified in his or her instrument of appointment.
- (2) A member of the Trust is eligible for reappointment.
- (3) The **Public Administration Act 2004** (other than Part 3 of that Act) applies to a member in respect of the office of member.

S. 10(3)
amended by
No. 46/1998
s. 7(Sch. 1),
substituted by
Nos 108/2004
s. 117(1)
(Sch. 3
item 127.1),
80/2006
s. 26(Sch.
item 65).

11 Resignation and Removal

- (1) A member of the Trust may resign the office of member by writing signed by the member and addressed to the Governor in Council.
- (2) The Governor in Council may at any time remove a member of the Trust from office.
- (3) If a member of the Trust dies, resigns or is removed from office, the Governor in Council may, in accordance with this Act, fill the vacant office.

S. 11
amended by
No. 73/1986
s. 5(b),
substituted by
No. 34/1995
s. 8.

12 Chairperson

- (1) The chairperson must be appointed by the Governor in Council from the members of the Trust.
- (2) The chairperson holds that office for the term specified in his or her instrument of appointment and is eligible for reappointment.
- (3) The chairperson may resign that office by writing signed by him or her and addressed to the Governor in Council.
- (4) The Governor in Council may at any time remove the chairperson from office.
- (5) The chairperson ceases to hold that office on ceasing to be a member of the Trust.

S. 12
substituted by
No. 34/1995
s. 8.

13 Acting member

- (1) If a member of the Trust is unable to perform the duties or functions of his or her office, the Governor in Council may appoint a person qualified to be appointed to that office to act in that office during the period of inability.
- (2) The Governor in Council—
 - (a) subject to this Act, may determine the terms and conditions of appointment of an acting member; and

S. 13
substituted by
No. 34/1995
s. 8.

(b) may at any time terminate the appointment.

- (3) While the appointment of an acting member remains in force, the acting member has and may exercise all the powers and perform all the duties and functions of the office in which that person is acting.

S. 14
substituted by
No. 34/1995
s. 8.

14 Payment of members

- (1) 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**; or

S. 14(1)(b)
amended by
Nos 46/1998
s. 7(Sch. 1),
108/2004
s. 117(1)
(Sch. 3
item 127.2).

(c) an employee of the Association or of the Victorian Tennis Association—

is entitled to receive the fees, if any, that are fixed from time to time by the Governor in Council for that member.

- (2) A member is entitled to receive the allowances that are fixed from time to time by the Governor in Council.

S. 15
substituted by
No. 34/1995
s. 8.

15 Procedure of Trust

- (1) The chairperson or, in the absence of the chairperson, a person appointed as acting chairperson, must preside at a meeting of the Trust at which he or she is present.
- (2) If neither the chairperson nor an acting chairperson is present at a meeting the members present may elect a member to preside at the meeting.

- (3) A question arising at a meeting of the Trust is to be determined by a majority of votes of the members who are present and voting on that question.
- (4) The person presiding at a meeting has a deliberative vote and a second or casting vote.
- (5) A majority of the members of the Trust currently holding office constitutes a quorum.
- (6) Except as otherwise provided for in this Act, the Trust may regulate its own proceedings.

16 Convening of meetings

S. 16
substituted by
No. 34/1995
s. 8.

- (1) The Trust must hold at least 4 meetings in any calendar year.
- (2) The chairperson must convene the meetings of the Trust.
- (3) The chairperson must convene a meeting of the Trust if the chairperson has received a written request from at least 2 members to hold a meeting.

16A Effect of vacancy or defect

S. 16A
inserted by
No. 34/1995
s. 8.

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

- (a) of a vacancy in its membership; or
- (b) of a defect or irregularity in the appointment of any of its members; or
- (c) in the case of an acting member, the occasion for that member so acting had not arisen or had ceased.

16B Member's pecuniary interest

S. 16B
inserted by
No. 34/1995
s. 8.

- (1) A member who has a pecuniary interest in any matter in which the Trust is concerned must—
 - (a) if the member is present at a meeting of the Trust at which the matter is to be considered,

s. 16D

disclose the nature of the interest immediately before the consideration of that matter; or

- (b) if the member is aware that the matter is to be considered at a meeting of the Trust at which the member does not intend to be present, disclose the nature of the interest to the chairperson before the meeting is held.

(2) The member—

- (a) may take part in the discussion of the matter in the meeting with the consent of the Trust; and
- (b) must leave the meeting while any vote is taken on a question relating to the matter.

S. 16C
inserted by
No. 34/1995
s. 8.

16C Immunity

- (1) A member is not personally liable for anything done or omitted to be done in good faith—
 - (a) in the exercise of a power or the discharge of a duty under this Act; or
 - (b) in the reasonable belief that the act or omission was in the exercise of a power or the discharge of a duty under this Act.
- (2) Any liability resulting from an act or omission that would but for subsection (1), attach to a member of the Trust, attaches instead to the Trust.

S. 16D
inserted by
No. 34/1995
s. 8.

16D Staff

- (1) The Trust may appoint a person approved by the Minister as the Secretary to the Trust.
- (2) The Trust may employ any other persons that are necessary for the purposes of the administration of the Trust and the carrying out of its powers and functions.

16E Delegation

S. 16E
inserted by
No. 34/1995
s. 8.

The Trust may, in writing delegate its powers or functions under this or any other Act, other than this power to delegate, to—

- (a) a member of the Trust; or
- (b) a sub-committee of the Trust comprised—
 - (i) entirely of members of the Trust; or
 - (ii) of the Secretary and otherwise entirely of members of the Trust; or
- (c) the Secretary.

16F Business plan

S. 16F
inserted by
No. 34/1995
s. 8.

- (1) The Trust must prepare a business plan each year.
- (2) The Trust must give a copy of the proposed business plan to the Minister on or before the date in the year determined by the Minister.
- (3) 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 and performance measures of the Trust;
 - (b) financial statements containing information requested by the Minister;
 - (c) such other matters as the Minister directs.
- (4) The Trust must consider any comments on the proposed plan that are made to it by the Minister within 2 months after the plan was submitted to the Minister.
- (5) The Trust must consult in good faith with the Minister following communication to it of the comments, must make any changes to the plan

Melbourne and Olympic Parks Act 1985
No. 10206 of 1985
Part 2—Constitution of the Trust

s. 16F

that are agreed between the Minister and the Trust
and must deliver the completed plan to the
Minister within 3 months after the plan was
submitted to the Minister.

Pt 3
(Heading and
ss 16G–16J)
inserted by
No. 34/1995
s. 8,
repealed by
No. 56/1997
s. 6(1).

* * * * *

PART 4—FINANCIAL AND GENERAL PROVISIONS

Pt 4
(Heading)
inserted by
No. 34/1995
s. 9.

17 Melbourne and Olympic Parks Trust Fund

- (1) The Trust shall establish and maintain a fund to be called the Melbourne and Olympic Parks Trust Fund. S. 17(1) amended by No. 56/1997 s. 7(a).
- (2) There shall be paid into the Fund—
- (a) fees paid to or received by the Trust by or from persons for the right to use or attend the National Tennis Centre, Olympic Park or any other land, facilities or services operated or managed by the Trust; S. 17(2)(a) amended by No. 56/1997 s. 7(b).
- (b) income received by the Trust from the investment of moneys in the Fund; and
- (c) all other moneys received by or paid to the Trust in respect of the National Tennis Centre, Olympic Park or any other land, facilities or services operated or managed by the Trust. S. 17(2)(c) amended by Nos 34/1995 s. 10(a), 56/1997 s. 7(c).
- (3) Moneys in the Fund may be applied only—
- (a) in payment or discharge of the debts and liabilities of the Trust in or in connexion with the performance and exercise of the functions and powers of the Trust with respect to the National Tennis Centre, Olympic Park or any other land, facilities or services operated or managed by the Trust; S. 17(3)(a) amended by Nos 34/1995 s. 10(b)(i), 56/1997 s. 7(c).
- (b) in payment of fees and allowances payable to members; S. 17(3)(b) amended by No. 56/1997 s. 7(d).

s. 17

S. 17(3)(c)
 substituted by
 Nos 34/1995
 s. 10(b)(ii),
 56/1997
 s. 7(e).

(c) in payment of the costs of the management of the National Tennis Centre, Olympic Park or any other land, facilities or services operated or managed by the Trust including the costs of employing people for the purposes of managing and operating the land, facilities or services;

S. 17(3)(d)
 repealed by
 No. 56/1997
 s. 7(f).

* * * * *

(e) in payment or discharge of any debts or liabilities incurred by or on behalf of the Crown in connexion with the planning, design and construction of the Centre before the coming into operation of this Act;

S. 17(3)(f)
 inserted by
 No. 56/1997
 s. 7(g).

(f) in payment of any other amount authorised or required to be paid out of the Fund under this Act or agreed to by the Trust and the Minister to be paid out of the Fund.

(4) The Trust may invest any money in the Fund in any manner approved by the Treasurer.

S. 17(5)
 substituted by
 No. 11/2001
 s. 3(Sch.
 item 47).

(5) The Trust may open and maintain one or more accounts in the name of the Trust with any authorised deposit-taking institution within the meaning of the Banking Act 1959 of the Commonwealth.

S. 17A
 inserted by
 No. 34/1995
 s. 11,
 repealed by
 No. 56/1997
 s. 8.

* * * * *

18 Borrowing and investment powers

The Trust has the powers conferred on it by the
Borrowing and Investment Powers Act 1987.

* * * * *

* * * * *

S. 18
substituted by
No. 56/1997
s. 8.

S. 18A
inserted by
No. 73/1986
s. 6,
amended by
No. 34/1995
s. 12(a)(b),
repealed by
No. 56/1997
s. 8.

Ss 19–21
repealed by
No. 31/1994
s. 4(Sch. 2
item 59).

22 Regulations

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

(a) the control, management and use of the
National Tennis Centre, Olympic Park or any
other land, facilities or services managed or
operated by the Trust;

(b) the prohibition or regulation of any activity
at the National Tennis Centre, Olympic Park
or any other land or facilities managed or
operated by the Trust;

(c) the protection of people at the National
Tennis Centre, Olympic Park or any other
land or facilities managed or operated by the
Trust from injury or nuisance;

S. 22
substituted by
No. 8/1992
s. 3.

S. 22(1)(a)
substituted by
No. 34/1995
s. 13,
amended by
No. 56/1997
s. 9(1).

S. 22(1)(b)
substituted by
No. 34/1995
s. 13,
amended by
No. 56/1997
s. 9(2).

S. 22(1)(c)
substituted by
No. 34/1995
s. 13,
amended by
No. 56/1997
s. 9(2).

- (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 or permit has expired or has been cancelled;
- (e) generally 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 impose penalties not exceeding 10 penalty units for a contravention of the regulations.

(3) The regulations are subject to disallowance by a House of the Parliament.

S. 22(3)
substituted by
No. 56/1997
s. 11.

S. 22(4)
repealed by
No. 56/1997
s. 11.

* * * * *

(5) Where, under subsection (3), either House of Parliament disallows any regulation, no regulation, being the same in substance as the regulation so disallowed, shall be made within 6 months after the date of the disallowance, unless the House of the Parliament in which notice of the motion to disallow the regulation was given by resolution approves the making of a regulation the

same in substance as the regulation deemed to have been disallowed.

- (6) Any regulation made in contravention of subsection (5) shall be void and of no effect.

22A Powers of removal

S. 22A
inserted by
No. 8/1992
s. 3.

- (1) A person authorised by the Trust for the purposes of this section may remove any person found contravening the regulations from the National Tennis Centre, Olympic Park or any other land or facilities managed or operated by the Trust.

S. 22A(1)
amended by
Nos 34/1995
s. 14(a),
56/1997
s. 9(2).

- (2) It is lawful for an authorised person using no more force than is reasonably necessary to remove a person found contravening the regulations or cause the person to be removed from the National Tennis Centre, Olympic Park or any other facilities managed or operated by the Trust.

S. 22A(2)
amended by
Nos 34/1995
s. 14(b),
56/1997
s. 9(2).

- (3) Nothing in this section authorises a person to do anything in contravention of the **Private Security Act 2004**.

S. 22A(3)
amended by
No. 33/2004
s. 206.

22B Proceedings for offences

Proceedings for an offence against the regulations may be brought by a member of the police force or a person authorised to do so, either generally or in a particular case, by the Trust.

S. 22B
inserted by
No. 8/1992
s. 3.

Pt 5 (Heading)
inserted by
No. 34/1995
s. 15.

PART 5—MELBOURNE PARK

**23 Power to excise an area to be surveyed from
Flinders Park**

S. 23(1)
amended by
No. 46/1998
s. 7(Sch. 1).

- (1) The Minister administering the **Crown Land (Reserves) Act 1978** upon receiving a plan of survey of a portion of the land known as Flinders Park signed by the Surveyor-General and upon being satisfied that the land described in the plan of survey corresponds as nearly as practicable with the land shown cross hatched in the Plan in Part 2 of the Schedule may recommend to the Governor in Council that the land shown in the plan of survey be excised from the reservation of the land known as Flinders Park.
- (2) Upon receiving such a recommendation the Governor in Council may by proclamation published in the Government Gazette revoke the Order in Council of 9 June 1873 and Crown grant Volume 600 Folium 119903 so far as they relate to the land shown in the plan of survey.
- (3) On the day on which a proclamation revoking the said Order in Council as provided in subsection (2) is published in the Government Gazette every other Order in Council or proclamation so far as it reserves or affects or purports to reserve or affect the land shown in the plan of survey shall also be revoked and the said land—
 - (a) shall notwithstanding anything in the Act become and be unalienated land of the Crown freed and discharged from all trusts encumbrances reservations limitations and restrictions whatsoever and from every estate or interest therein; and

- (b) shall be deemed to be temporarily reserved under section 4(1) of the **Crown Land (Reserves) Act 1978** for public purposes being in particular the purposes of a national tennis centre.
- (4) For the purposes of this section *the land known as Flinders Park* means the land the title particulars of which are described in paragraph 1 of Part 1 of the Schedule.

24 Power to excise an area to be surveyed from Yarra Park

- (1) The Minister administering the **Crown Land (Reserves) Act 1978** upon receiving a plan of survey of a portion of the land known as Yarra Park signed by the Surveyor-General and upon being satisfied that the land described in the plan of survey corresponds as nearly as practicable with the land shown diagonally hatched on the Plan in Part 2 of the Schedule may recommend to the Governor in Council that the land shown in the plan of survey be excised from the reservation of the land known as Yarra Park.
- (2) Upon receiving such a recommendation the Governor in Council may by proclamation published in the Government Gazette revoke the Order in Council of 9 June 1873 and Crown grant Volume 600 Folium 119902 so far as they relate to the land shown in the plan of survey.
- (3) On the day on which a proclamation revoking the said Order in Council as provided in subsection (2) is published in the Government Gazette every other Order in Council or proclamation so far as it reserves or affects or purports to reserve or affect the land shown in the plan of survey shall also be revoked and the said land—

S. 24(1)
amended by
No. 46/1998
s. 7(Sch. 1).

- (a) shall notwithstanding anything in any Act become and be unalienated land of the Crown freed and discharged from all trusts encumbrances reservations limitations and restrictions whatsoever and from every estate or interest therein; and
 - (b) shall be deemed to be temporarily reserved under section 4(1) of the **Crown Land (Reserves) Act 1978** for public purposes being in particular the purposes of a national tennis centre.
- (4) For the purposes of this section *the land known as Yarra Park* means the land the title particulars of which are described in paragraph 2 of Part 1 of the Schedule.

25 Power to excise an area to be surveyed from the Public Park Reserve

S. 25(1)
amended by
No. 46/1998
s. 7(Sch. 1).

- (1) The Minister administering the **Crown Land (Reserves) Act 1978** upon receiving a plan of survey of a portion of the land shown as Public Park Reserve on the plan in Part 2 of the Schedule signed by the Surveyor-General and upon being satisfied that the land described in the plan of survey corresponds as nearly as practicable with the land shown horizontally hatched on the Plan in Part 2 of the Schedule may recommend to the Governor in Council that the land shown in the plan of survey be excised from the reservation of the land shown as Public Park Reserve.
- (2) Upon receiving such a recommendation the Governor in Council may by proclamation published in the Government Gazette revoke the Order in Council of 13 September 1950 so far as it relates to the land shown in the plan of survey.

-
- (3) On the day on which a proclamation revoking the said Order in Council as provided in subsection (2) is published in the Government Gazette every other Order in Council or proclamation so far as it reserves or affects or purports to reserve or affect the land shown in the plan of survey shall also be revoked and the said land—
- (a) shall notwithstanding anything in any Act become and be unalienated land of the Crown freed and discharged from all trusts encumbrances reservations limitations and restrictions whatsoever and from every estate or interest therein; and
 - (b) shall be deemed to be temporarily reserved under section 4(1) of the **Crown Land (Reserves) Act 1978** for public purposes being in particular the purposes of a national tennis centre.
- (4) For the purposes of this section "the land shown as Public Park Reserve on the Plan in Part 2 of the Schedule" is the land the title particulars of which are described in paragraph 3 of Part 1 of the Schedule.

25A Divesting and reservation of railway land

- (1) The Minister upon—
- (a) receiving a plan of survey signed by the Surveyor-General of a portion of the land comprised in Folio of the Register Volume 3929 Folio 762, Volume 3740 Folio 927 and Volume 2788 Folio 466; and

S. 25A
inserted by
No. 90/1994
s. 4.

(b) being satisfied that the land described in the plan of survey corresponds as nearly as practicable with the land shown diagonally hatched on the plan in Part 3 of the Schedule—

may recommend to the Governor in Council that the land shown on the plan of survey be divested from the Public Transport Corporation.

- (2) Upon receiving the Minister's recommendation, the Governor in Council may by proclamation published in the Government Gazette revoke Folio of the Register, Volume 3929 Folio 762, Volume 3740 Folio 927 and Volume 2788 Folio 466 in so far as they relate to the land shown on the plan of survey.
- (3) Upon the publication of the proclamation in the Government Gazette the land—
- (a) divests from the Public Transport Corporation and reverts to the Crown as unalienated Crown land freed and discharged from all trusts, limitations, reservations, restrictions, encumbrances, charges, leases, licences, estates or interests; and
- (b) is deemed to be temporarily reserved under section 4(1) of the **Crown Land (Reserves) Act 1978** for public purposes, being, in particular, the purposes of the national tennis centre.
- (4) The Minister upon—
- (a) receiving a plan of survey signed by the Surveyor-General of a portion of the land vested in the Public Transport Corporation by virtue of **The Railway Melbourne Lands Exchange Act 1888**; and

(b) being satisfied that the land described in the plan of survey corresponds as nearly as practicable with the land shown cross-hatched on the plan in Part 3 of the Schedule—

may recommend to the Governor in Council that the land shown on the plan of survey be divested from the Public Transport Corporation.

- (5) Upon receiving the Minister's recommendation, the Governor in Council may by proclamation published in the Government Gazette divest the land shown on the plan of survey from the Public Transport Corporation.
- (6) Upon publication of the proclamation under subsection (5) in the Government Gazette the land—
- (a) divests from the Public Transport Corporation and reverts to the Crown as unalienated Crown land freed and discharged from all trusts, limitations, reservations, restrictions, encumbrances, charges, leases, licences, estates or interests; and
 - (b) is deemed to be temporarily reserved under section 4(1) of the **Crown Land (Reserves) Act 1978** for public purposes, being, in particular, the purposes of the national tennis centre.
- (7) Subsection (6) applies despite anything to the contrary in **The Railway Melbourne Lands Exchange Act 1888**.

S. 25A(7)
amended by
No. 74/2000
s. 3(Sch. 1
item 79).

-
- (8) The Minister upon—
- (a) receiving a plan of survey signed by the Surveyor-General of a portion of the land in Crown Allotment 4A, Section 19C, County of Bourke; and
 - (b) being satisfied that the land described in the plan of survey corresponds as nearly as practicable with the land shown horizontally hatched on the plan in Part 3 of the Schedule—

may recommend to the Governor in Council that the land revert to the Crown.

- (9) Upon receiving the Minister's recommendation, the Governor in Council may by proclamation published in the Government Gazette provide that the land shown on the plan of survey reverts to the Crown.
- (10) Despite anything to the contrary in any other Act or instrument, upon publication of the proclamation under subsection (9) in the Government Gazette the land—
- (a) reverts to the Crown as unalienated Crown land freed and discharged from all trusts, limitations, reservations, restrictions, encumbrances, charges, leases, licences, estates or interests; and
 - (b) is deemed to be temporarily reserved under section 4(1) of the **Crown Land (Reserves) Act 1978** for public purposes, being, in particular, the purposes of the national tennis centre.
- (11) In this section *Public Transport Corporation* means the Public Transport Corporation established under the **Transport Act 1983**.

25B Further power to excise area to be surveyed from Flinders Park

S. 25B
inserted by
No. 90/1994
s. 4.

- (1) The Minister upon—
- (a) receiving a plan of survey of a portion of the land known as Flinders Park signed by the Surveyor-General; and
 - (b) being satisfied that the land described in the plan of survey corresponds as nearly as practicable with the land shown cross hatched in the plan in Part 4 of the Schedule—

may recommend to the Governor in Council that the land shown in the plan of survey be excised from the reservation of the land known as Flinders Park.

- (2) Upon receiving the Minister's recommendation, the Governor in Council may, by proclamation published in the Government Gazette, revoke the Order in Council of 9 June 1873 and Crown grant Volume 600 Folio 119903 so far as they relate to the land shown on the plan of survey.
- (3) Upon publication of the proclamation under subsection (2) in the Government Gazette—
- (a) the land reverts to the Crown as unalienated Crown land, freed and discharged from all trusts, limitations, reservations, restrictions, encumbrances, charges, leases, licences, estates and interests; and
 - (b) the land is deemed to be temporarily reserved under section 4(1) of the **Crown Land (Reserves) Act 1978** for public purposes, being in particular, the purposes of the national tennis centre.

- (4) For the purposes of this section *the land known as Flinders Park* means the land the title particulars of which are described in paragraph 1 of Part 1 of the Schedule, except that the reference to Part II in that paragraph is deemed to be a reference to Part 4.

S. 25C
inserted by
No. 90/1994
s. 4.

25C Further power to excise area to be surveyed from Yarra Park

- (1) The Minister upon—
- (a) receiving a plan of survey of a portion of the land known as Yarra Park signed by the Surveyor-General; and
 - (b) being satisfied that the land described in the plan of survey corresponds as nearly as practicable with the land shown diagonally hatched in the plan in Part 4 of the Schedule—
- may recommend to the Governor in Council that the land shown in the plan of survey be excised from the reservation of the land known as Yarra Park.
- (2) Upon receiving the Minister's recommendation, the Governor in Council may, by proclamation published in the Government Gazette, revoke the Order in Council of 9 June 1873 and Crown grant Volume 600 Folio 119902 so far as they relate to the land shown on the plan of survey.
- (3) Upon publication of the proclamation under subsection (2) in the Government Gazette—
- (a) the land reverts to the Crown as unalienated Crown land, freed and discharged from all trusts, limitations, reservations, restrictions, encumbrances, charges, leases, licences, estates and interests; and

-
- (b) the land is deemed to be temporarily reserved under section 4(1) of the **Crown Land (Reserves) Act 1978** for public purposes, being in particular, the purposes of the national tennis centre.
- (4) For the purposes of this section *the land known as Yarra Park* means the land the title particulars of which are described in paragraph 2 of Part 1 of the Schedule, except that the reference to Part II in that paragraph is deemed to be a reference to Part 4.

25D Further power to excise area to be surveyed from the Public Park Reserve

S. 25D
inserted by
No. 90/1994
s. 4.

- (1) The Minister upon—
- (a) receiving a plan of survey of a portion of the land known as Public Park Reserve signed by the Surveyor-General; and
- (b) being satisfied that the land described in the plan of survey corresponds as nearly as practicable with the land shown horizontally hatched in the plan in Part 4 of the Schedule—

may recommend to the Governor in Council that the land shown in the plan of survey be excised from the reservation of the land known as Public Park Reserve.

- (2) Upon receiving the Minister's recommendation, the Governor in Council may, by proclamation published in the Government Gazette, revoke the Order in Council of 13 September 1950 so far as it relates to the land shown on the plan of survey.

-
- (3) Upon publication of the proclamation under subsection (2) in the Government Gazette—
- (a) the land reverts to the Crown as unalienated Crown land, freed and discharged from all trusts, limitations, reservations, restrictions, encumbrances, charges, leases, licences, estates and interests; and
 - (b) the land is deemed to be temporarily reserved under section 4(1) of the **Crown Land (Reserves) Act 1978** for public purposes, being in particular, the purposes of the national tennis centre.
- (4) For the purposes of this section *the land known as Public Park Reserve* means the land the title particulars of which are described in paragraph 3 of Part 1 of the Schedule, except that the reference to Part II in that paragraph is deemed to be a reference to Part 4.

S. 25E
inserted by
No. 42/1998
s. 5.

25E Power to excise additional area from Yarra Park

- (1) The Minister administering the **Crown Land (Reserves) Act 1978** upon—
- (a) receiving a plan of survey of a portion of the land known as Yarra Park signed by the Surveyor-General; and
 - (b) being satisfied that the land described in the plan of survey corresponds as nearly as practicable with the land shown cross-hatched in the plan in Part 4A of the Schedule—

may recommend to the Governor in Council that the land shown in the plan of survey be excised from the reservation of the land known as Yarra Park.

-
- (2) Upon receiving the Minister's recommendation, the Governor in Council may, by proclamation published in the Government Gazette, revoke the Order in Council of 9 June 1873 and Crown grant Volume 600 Folio 119902 so far as they relate to the land shown on the plan of survey.
 - (3) Upon publication of the proclamation under subsection (2) in the Government Gazette—
 - (a) the land reverts to the Crown as unalienated Crown land, freed and discharged from all trusts, limitations, reservations, restrictions, encumbrances, charges, leases, licences, estates and interests; and
 - (b) the land is deemed to be temporarily reserved under section 4(1) of the **Crown Land (Reserves) Act 1978** for public purposes, being in particular, the purposes of the national tennis centre.
 - (4) For the purposes of this section *the land known as Yarra Park* means the land the title particulars of which are described in paragraph 2 of Part 1 of the Schedule, except that the reference to Part II in that paragraph is deemed to be a reference to Part 4A.

25F Power to excise additional area from Public Park Reserve

S. 25F
inserted by
No. 42/1998
s. 5.

- (1) The Minister administering the **Crown Land (Reserves) Act 1978** upon—
 - (a) receiving a plan of survey of a portion of the land known as Public Park Reserve signed by the Surveyor-General; and

(b) being satisfied that the land described in the plan of survey corresponds as nearly as practicable with the land shown hatched in the plan in Part 4A of the Schedule—

may recommend to the Governor in Council that the land shown in the plan of survey be excised from the reservation of the land known as Public Park Reserve.

- (2) Upon receiving the Minister's recommendation, the Governor in Council may, by proclamation published in the Government Gazette, revoke the Order in Council of 13 September 1950 so far as it relates to the land shown on the plan of survey.
- (3) Upon publication of the proclamation under subsection (2) in the Government Gazette—
- (a) the land reverts to the Crown as unalienated Crown land, freed and discharged from all trusts, limitations, reservations, restrictions, encumbrances, charges, leases, licences, estates and interests; and
- (b) the land is deemed to be temporarily reserved under section 4(1) of the **Crown Land (Reserves) Act 1978** for public purposes, being in particular, the purposes of the national tennis centre.
- (4) For the purposes of this section *the land known as Public Park Reserve* means the land the title particulars of which are described in paragraph 3 of Part 1 of the Schedule, except that the reference to Part II in that paragraph is deemed to be a reference to Part 4A.

S. 26
amended by
Nos 90/1994
s. 5, 42/1998
s. 6(1).

26 No compensation payable by Crown

No compensation shall be payable by the Crown in respect of any act matter or thing done under or arising out of sections 23, 24, 25, 25A, 25B, 25C and 25D and sections 25E and 25F of this Act.

26A Supreme Court—limitation of jurisdiction

- (1) It is the intention of this section to alter or vary section 85 of the **Constitution Act 1975** to the extent necessary to prevent the Supreme Court awarding compensation in respect of anything done under or arising out of sections 25A, 25B, 25C, 25D and 26.

S. 26A
inserted by
No. 90/1994
s. 6,
amended by
No. 42/1998
s. 6(2) (ILA
s. 39B(1)).

- (2) It is the intention of section 26 as amended by the **Melbourne and Olympic Parks (Amendment) Act 1998** to alter or vary section 85 of the **Constitution Act 1975**.

S. 26A(2)
inserted by
No. 42/1998
s. 6(2).

27 Total area of excisions

The total area of the land excised by any excisions made under sections 23, 24 and 25 shall not exceed six hectares.

28 Obligations of Registrar of Titles

The Registrar of Titles must make any recordings on the Register that are necessary or expedient in consequence of sections 23, 24, 25, 25A, 25B, 25C, 25D, 25E and 25F and the holder of any relevant certificate of title must if requested to do so deliver it to the Registrar of Titles.

S. 28
substituted by
No. 18/1989
s. 13(Sch. 2
item 61),
amended by
Nos 90/1994
s. 7, 42/1998
s. 7.

29 Power to enter and use reserved lands

The Trust, its servants, agents, and any persons authorized by it may, in so far as is necessary, for or in connexion with the building of a facility on the national tennis centre land enter into and upon and use any portion of the land reserved by the Orders in Council specified in Part 1 of the Schedule notwithstanding anything contained in those Orders in Council or in any Crown Grant of the land or in the **Land Act 1958**, the **Crown Land (Reserves) Act 1978** or any regulations made under those Acts.

30 Transitional provision

All rights and liabilities of the Crown under all contracts or agreements entered into by or on behalf of the Crown in connexion with the planning, design and construction of the Centre before the coming into operation of this Act are upon the coming into operation of this Act transferred to the Trust and such contracts and agreements are to be read and construed and have effect as if they had been entered into by the Trust.

PART 6—OLYMPIC PARK LAND

Pt 6 (Heading
and ss 31, 32)
inserted by
No. 34/1995
s. 16.

31 Olympic Park Reservation

S. 31
inserted by
No. 34/1995
s. 16.

- (1) Despite anything to the contrary in the Order in Council specified in Part 5 of the Schedule, the purposes of the reservation specified in that Order in Council are deemed to be public purposes, being in particular the purposes of sport, recreation and entertainment.
- (2) On the coming into operation of this section—
 - (a) the appointment of any committee of management is revoked to the extent that it applies to the land referred to in the Order in Council specified in Part 5 of the Schedule; and
 - (b) any regulations made under section 13 of the **Crown Land (Reserves) Act 1978** are revoked to the extent that they apply to that land.

31A Revocation of part of Melbourne City Link Reservation and reservation as Olympic Park land

S. 31A
inserted by
No. 50/1998
s. 42.

- (1) On the coming into operation of section 16 of the **Melbourne City Link (Exhibition Street Extension) Act 1998**, the temporary reservation of the land which is shown cross-hatched green on the plan numbered LEGL./97-31 and lodged in the Central Plan Office of the Department of Natural Resources and Environment, and, which is at or above a depth of 10 metres from the surface, is revoked.

-
- (2) On the revocation of the temporary reservation under subsection (1)—
- (a) the land is deemed to be unalienated land of the Crown, freed and discharged from all trusts, limitations, reservation, restrictions, encumbrances, estates and interests; and
 - (b) the appointment of the Melbourne City Link Authority is revoked to the extent that it applies to the land; and
 - (c) any regulations made under section 13 of the **Crown Land (Reserves) Act 1978** are revoked in so far as they apply to the land; and
 - (d) the Order in Council made under the **Melbourne City Link Act 1995**, dated 26 August 1997, published on page 2297 of the Government Gazette dated 28 August 1997 and relating to the land which is hatched blue on the plan Numbered LEGL./97-42, lodged in the Central Plan Office of the Department of Natural Resources and Environment, and which is at or above a depth of 10 metres from the surface, is revoked; and
 - (e) on and from the commencement of this section the land is deemed to be permanently reserved under section 4(1) of the **Crown Land (Reserves) Act 1978** for the purposes of sport, recreation and entertainment.
-

31B Reservation of former City Link land

On the coming into operation of section 42 of the **Melbourne City Link (Miscellaneous Amendments) Act 2000**, the land shown as parcels A, B and C on the plan numbered LEGL./00–24 lodged in the Central Plan Office of the Department of Natural Resources and Environment is deemed to be permanently reserved under section 4(1) of the **Crown Land (Reserves) Act 1978** for the purposes of sport, recreation and entertainment.

S. 31B
inserted by
No. 81/2000
s. 42.

32 Registrar of Titles to make necessary amendments to Register

S. 32
inserted by
No. 34/1995
s. 16.

* * * * *

S. 32(1)
repealed by
No. 85/1998
s. 24(Sch.
item 40).

(2) The Registrar of Titles must make any amendments to the Register under the **Transfer of Land Act 1958** that are necessary because of the operation of any provision of this Part.

Pt 7 (Heading
and s. 33)
inserted by
No. 56/1997
s. 10.

S. 33
inserted by
No. 56/1997
s. 10.

PART 7—TRANSITIONALS

33 Abolition of Funds and transitional

- (1) On the commencement of section 7 of the **Melbourne and Olympic Parks (Amendment) Act 1997**—
 - (a) the National Tennis Centre Fund and the Olympic Park Fund are abolished;
 - (b) any money or amounts standing to the credit of the National Tennis Centre Fund and the Olympic Park Fund immediately before that date must be taken to form part of the Melbourne and Olympic Parks Trust Fund;
 - (c) any income received by the Trust from investments of the National Tennis Centre Fund and the Olympic Park Fund after that date must be paid into the Melbourne and Olympic Parks Trust Fund.
- (2) Any sums required by the Treasurer in fulfilling any liability arising under a guarantee given under section 18 or 18A as in force immediately before the commencement of section 8 of the **Melbourne and Olympic Parks (Amendment) Act 1997** shall be paid out of the Consolidated Fund which is to the necessary extent appropriated accordingly.
- (3) Any sums received or recovered by the Treasurer in respect of any sums paid by the Treasurer under a guarantee given under section 18 or 18A as in force immediately before the commencement of section 8 of the **Melbourne and Olympic Parks (Amendment) Act 1997** shall be paid into the Consolidated Fund.

SCHEDULE

Part 1

Lands as to part of which the Reservations and Crown Grant are Revoked by this Act

<i>Situation and Area of Land</i>	<i>Instrument and Date of Reservation</i>	<i>Description of Land by reference to "Government Gazette"</i>	<i>Particulars of Registration of Crown Grant (if any)</i>	<i>Purpose of Reservation</i>	<i>Portion as to which Reservation and Crown grant are revoked</i>
City of Melbourne, 20.39 hectares from which authorized excisions are to be subtracted.	Order in Council, 9 June, 1873	6 May 1864, page 1007 and 13 June 1873, page 1058	Crown Grant Volume 600, Folium 119903	Flinders Park	See Part II of this Schedule
At East Melbourne, City of Melbourne, 63.64 hectares from which authorized excisions are to be subtracted.	Order in Council, 9 June, 1873	12 February 1864, page 350 and 13 June 1873, page 1059	Crown Grant Volume 600, Folium 119902	Yarra Park	See Part II of this Schedule
At East Melbourne, City of Melbourne, Parish of Melbourne North, 8600 square metres.	Order in Council, 13 September, 1950	20 September, page 5114	—	Site for Public Park	See Part II of this Schedule

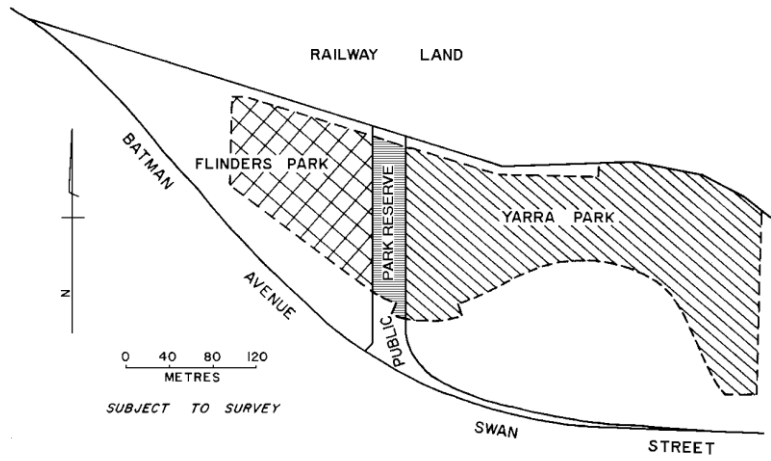
Melbourne and Olympic Parks Act 1985
No. 10206 of 1985

Sch.

Sch. Pt 2
substituted by
No. 73/1986
s. 7.

Part 2

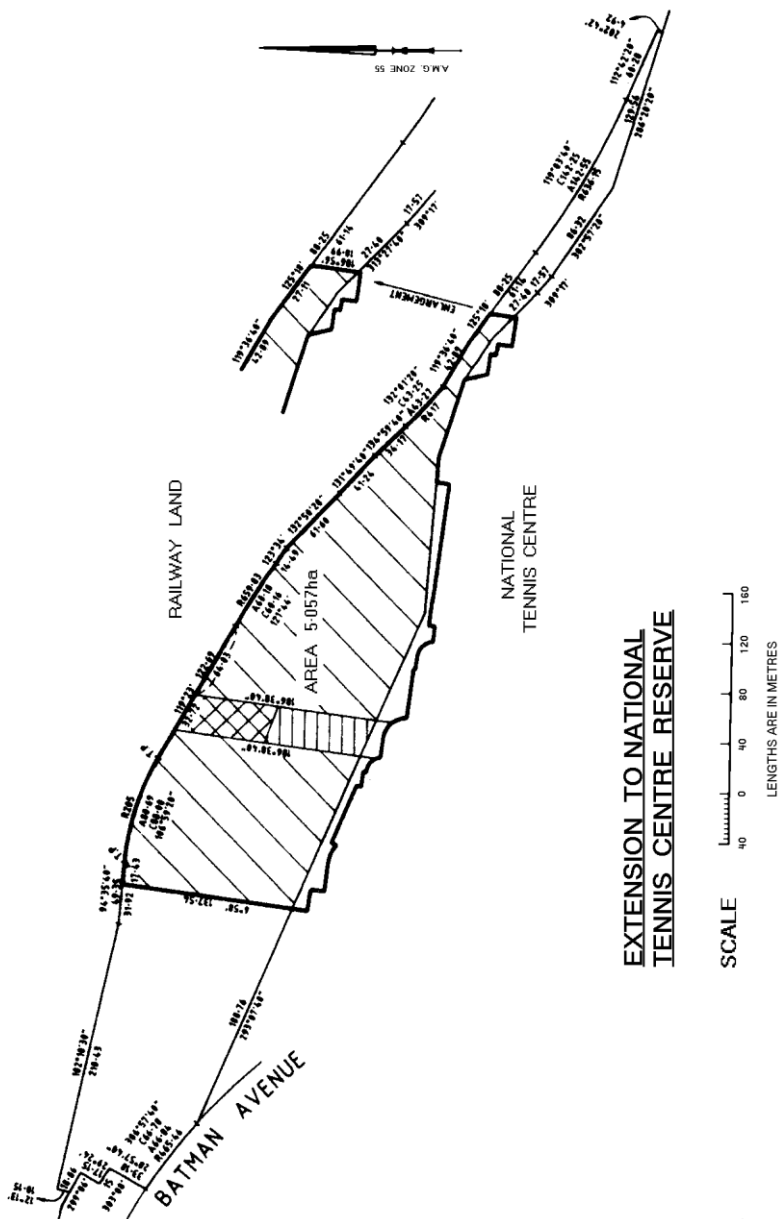
LAND IN THE CITY OF MELBOURNE



Sch.

Part 3

Sch. Pt 3
inserted by
No. 90/1994
s. 8.

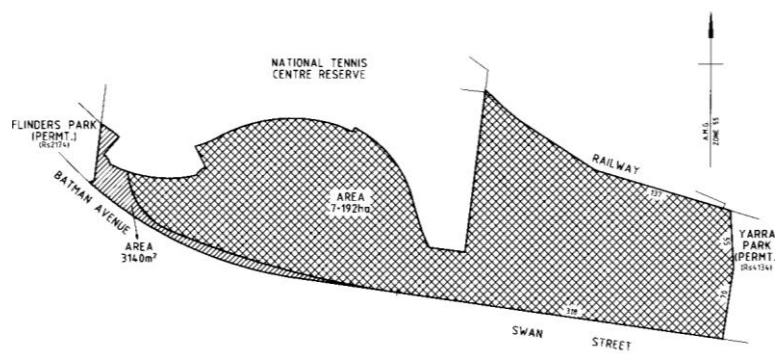


Melbourne and Olympic Parks Act 1985
No. 10206 of 1985

Sch.

Part 4A

Sch. Pt 4A
inserted by
No. 42/1998
s. 8.



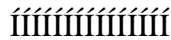
Melbourne and Olympic Parks Act 1985
 No. 10206 of 1985

Sch.

Sch. Pt 5
 inserted by
 No. 34/1995
 s. 17,
 amended by
 No. 73/1996
 s. 62.

Part 5

Land as to which reservations are affected by Part 6 of this Act			
Situation and area of land	Instrument and Date of Reservation	Description of land by reference to the Government Gazette	Purpose of Reservation
East Melbourne, City of Melbourne, Parish of Melbourne North, County of Bourke, 10.40 hectares, being Crown Allotment 2, Section 19D	Order in Council 17 March 1970	11 February 1970, page 375, and 25 March 1970, page 831	Site for recreation, convenience and amusement of the people and children's playground



ENDNOTES

1. General Information

Minister's second reading speech—

Legislative Assembly: 17 September 1985

Legislative Council: 16 October 1985

The **Melbourne and Olympic Parks Act 1985** was assented to on 6 November 1985 and came into operation on 13 November 1985: Government Gazette 13 November 1985 page 4268.

The name of this Act was changed from the **National Tennis Centre Act 1985** to the **Melbourne and Olympic Parks Act 1985** by section 5 of the **Melbourne and Olympic Parks (Amendment) Act 1995**, No. 34/1995.

Melbourne and Olympic Parks Act 1985
No. 10206 of 1985

Endnotes

2. Table of Amendments

This Version incorporates amendments made to the **Melbourne and Olympic Parks Act 1985** by Acts and subordinate instruments.

National Tennis Centre (Amendment) Act 1986, No. 73/1986

Assent Date: 6.11.86
Commencement Date: 6.11.86
Current State: All of Act in operation

Victorian Arts Centre (Amendment) Act 1988, No. 77/1988

Assent Date: 15.12.88
Commencement Date: 15.12.88
Current State: All of Act in operation

Transfer of Land (Computer Register) Act 1989, No. 18/1989

Assent Date: 16.5.89
Commencement Date: 3.2.92: Government Gazette 18.12.91 p. 3488
Current State: All of Act in operation

National Tennis Centre (Amendment) Act 1992, No. 8/1992

Assent Date: 5.5.92
Commencement Date: 5.5.92
Current State: All of Act in operation

Financial Management (Consequential Amendments) Act 1994, No. 31/1994

Assent Date: 31.5.94
Commencement Date: Ss 1, 2 on 31.5.94: s. 2(1); s. 3, Sch. 1 (*except* item 60) on 7.7.94: Government Gazette 7.7.94 p. 1878—see **Interpretation of Legislation Act 1984**; s. 4, Sch. 2 on 1.1.95: Government Gazette 28.7.94 p. 2055. Sch. 1 item 60 was never proclaimed, repealed by No. 75/1994
Current State: All of Act in operation

Land (Miscellaneous Matters) and National Tennis Centre (Amendment) Act 1994, No. 90/1994

Assent Date: 6.12.94
Commencement Date: Ss 3–8 on 6.12.94: s. 2(4)
Current State: This information relates only to the provision/s amending the **Melbourne and Olympic Parks Act 1985**

Melbourne and Olympic Parks (Amendment) Act 1995, No. 34/1995

Assent Date: 6.6.95
Commencement Date: Ss 1, 2 on 6.6.95: s. 2(1); ss 3–23 on 5.10.95: Government Gazette 5.10.95 p. 2794; Pts 4, 5 (ss 24–28) on 9.11.95: Government Gazette 9.11.95 p. 3099
Current State: All of Act in operation

Melbourne and Olympic Parks Act 1985
No. 10206 of 1985

Endnotes

Miscellaneous Acts (Further Omnibus Amendments) Act 1996, No. 73/1996

Assent Date: 17.12.96
Commencement Date: Pt 17 (s. 62) on 5.10.95: s. 2(4)
Current State: This information relates only to the provision/s amending the **Melbourne and Olympic Parks Act 1985**

Melbourne and Olympic Parks (Amendment) Act 1997, No. 56/1997

Assent Date: 21.10.97
Commencement Date: Ss 3-11 on 1.11.97: s. 2(3)
Current State: This information relates only to the provision/s amending the **Melbourne and Olympic Parks Act 1985**

Melbourne and Olympic Parks (Amendment) Act 1998, No. 42/1998

Assent Date: 26.5.98
Commencement Date: 26.5.98
Current State: All of Act in operation

Public Sector Reform (Miscellaneous Amendments) Act 1998, No. 46/1998

Assent Date: 26.5.98
Commencement Date: S. 7(Sch. 1) on 1.7.98: s. 2(2)
Current State: This information relates only to the provision/s amending the **Melbourne and Olympic Parks Act 1985**

Melbourne City Link (Exhibition Street Extension) Act 1998, No. 50/1998

Assent Date: 2.6.98
Commencement Date: 2.6.98
Current State: All of Act in operation

Transfer of Land (Single Register) Act 1998, No. 85/1998

Assent Date: 17.11.98
Commencement Date: S. 24(Sch. item 40) on 1.1.99: s. 2(3)
Current State: This information relates only to the provision/s amending the **Melbourne and Olympic Parks Act 1985**

Statute Law Revision Act 2000, No. 74/2000

Assent Date: 21.11.00
Commencement Date: S. 3(Sch. 1 item 79) on 22.11.00: s. 2(1)
Current State: This information relates only to the provision/s amending the **Melbourne and Olympic Parks Act 1985**

Melbourne City Link (Miscellaneous Amendments) Act 2000, No. 81/2000

Assent Date: 28.11.00
Commencement Date: Ss 41, 42 on 14.6.02: Government Gazette 13.6.02 p. 1306
Current State: This information relates only to the provision/s amending the **Melbourne and Olympic Parks Act 1985**

Melbourne and Olympic Parks Act 1985
No. 10206 of 1985

Endnotes

**Statute Law Amendment (Authorised Deposit-taking Institutions) Act 2001,
No. 11/2001**

Assent Date: 8.5.01
Commencement Date: S. 3(Sch. item 47) on 1.6.01: s. 2(2)
Current State: This information relates only to the provision/s
amending the **Melbourne and Olympic Parks Act
1985**

Major Events (Crowd Management) Act 2003, No. 19/2003

Assent Date: 13.5.03
Commencement Date: S. 31 on 1.7.03: s. 2(2)
Current State: This information relates only to the provision/s
amending the **Melbourne and Olympic Parks Act
1985**

Private Security Act 2004, No. 33/2004

Assent Date: 1.6.04
Commencement Date: S. 206 on 1.7.05: s. 2(3)
Current State: This information relates only to the provision/s
amending the **Melbourne and Olympic Parks Act
1985**

Public Administration Act 2004, No. 108/2004

Assent Date: 21.12.04
Commencement Date: S. 117(1)(Sch. 3 item 127) on 5.4.05: Government
Gazette 31.3.05 p. 602
Current State: This information relates only to the provision/s
amending the **Melbourne and Olympic Parks Act
1985**

**Public Sector Acts (Further Workplace Protection and Other Matters) Act 2006,
No. 80/2006**

Assent Date: 10.10.06
Commencement Date: S. 26(Sch. item 65) on 11.10.06: s. 2(1)
Current State: This information relates only to the provision/s
amending the **Melbourne and Olympic Parks Act
1985**

3. Explanatory Details

¹ Pt 2: Part 3 of the **Melbourne and Olympic Parks (Amendment) Act 1995**, No. 34/1995 reads as follows:

PART 3—TRANSITIONAL—NATIONAL TENNIS CENTRE AND OLYMPIC PARK

18 Definitions

In this Part—

Centre has the same meaning as in section 4 of the Principal Act immediately before the commencement of section 7;

committee means the committee of management known as Olympic Park Management and incorporated under the **Crown Land (Reserves) Act 1978** by Order in Council of 23 June 1981;

National Tennis Centre has the same meaning as in section 4 of the Principal Act as in force on and from the commencement of section 7;

National Tennis Centre Fund means the fund established under section 17 of the Principal Act as in force on and from the commencement of section 10;

new Trust means the Melbourne and Olympic Parks Trust established under the **Melbourne and Olympic Parks Act 1985** on and from the commencement of section 8;

old Trust means the National Tennis Centre Trust established under the **National Tennis Centre Act 1985** immediately before the commencement of section 8;

Olympic Park fund means the fund established under section 17A of the Principal Act as in

force on and from the commencement of section 11.

19 Trust succeeds old Trust

- (1) On the commencement of section 8—
- (a) the old Trust is abolished and its members go out of office; and
 - (b) the new Trust is the successor in law of the old Trust; and
 - (c) all rights, assets, liabilities and obligations of the old Trust, immediately before its abolition, become rights, assets, liabilities and obligations of the new Trust; and
 - (d) the new Trust is substituted for the old Trust as a party to any proceeding, contract, agreement or arrangement commenced or made by, against or in relation to the old Trust; and
 - (e) the new Trust may continue and complete any other continuing matter or thing commenced by, against or in relation to the old Trust; and
 - (f) any reference to the old Trust in—
 - (i) an Act other than this Act; or
 - (ii) a subordinate instrument within the meaning of the **Interpretation of Legislation Act 1984**; or
 - (iii) any document whatever—

must so far as it relates to any period on or after the commencement of this section, and if not inconsistent with the context or subject matter, be taken to be a reference to the new Trust.

- (2) On and from the commencement of section 8, the assets that become assets of the new Trust under sub-section (1)—
- (a) if they are moneys or amounts standing to the credit of any fund or account of the old Trust, must be taken to form part of the National Tennis Centre Fund; and
 - (b) if they are assets in which the funds of the old Trust have been invested, must be taken to be investments of the National Tennis Centre Fund.

20 Trust succeeds committee

- (1) On the commencement of section 8—
- (a) the committee is abolished and its members go out of office; and
 - (b) the new Trust is the successor in law of the committee; and
 - (c) all rights, assets, liabilities and obligations of the committee, immediately before its abolition, become rights, assets, liabilities and obligations of the new Trust; and
 - (d) the new Trust is substituted for the committee as a party to any proceeding, contract, agreement or arrangement commenced or made by, against or in relation to the committee; and
 - (e) the new Trust may continue and complete any other continuing matter or thing commenced by, against or in relation to the committee; and

- (f) any reference to the committee in—
- (i) an Act other than this Act; or
 - (ii) a subordinate instrument within the meaning of the **Interpretation of Legislation Act 1984**; or
 - (iii) any document whatever—
must so far as it relates to any period on or after the commencement of this section, and if not inconsistent with the context or subject matter, be taken to be a reference to the new Trust.
- (2) On and from the commencement of section 8, the assets that become assets of the new Trust under sub-section (1)—
- (a) if they are moneys or amounts standing to the credit of any fund or account of the committee, must be taken to form part of the Olympic Park Fund; and
 - (b) if they are assets in which the funds of the committee have been invested, must be taken to be investments of the Olympic Park Fund.
- (3) On and from the commencement of section 8, any guarantee issued by the Treasurer under section 14C of the **Crown Land (Reserves) Act 1978** continues in force as if the new Trust were the Committee of Management in respect of Olympic Park.

21 Committee Staff

A person who, immediately before the commencement of section 8, was a member of the staff of the committee is deemed to be employed by the new Trust on the same terms and conditions and with the same accrued or accruing entitlements as applied to that person immediately before that commencement.

22 References

(1) In—

- (a) an Act;
- (b) a subordinate instrument within the meaning of the **Interpretation of Legislation Act 1984**; or
- (c) any document whatever—

in relation to any period occurring on or after the commencement of section 5 of this Act and unless inconsistent with the context or subject matter, a reference to the **National Tennis Centre Act 1985** must be taken to be a reference to the **Melbourne and Olympic Parks Act 1985**.

(2) In—

- (a) an Act; or
- (b) a subordinate instrument within the meaning of the **Interpretation of Legislation Act 1984**; or
- (c) any document whatever—

in relation to any period occurring on or after the commencement of section 7 of this Act and unless inconsistent with the context or subject matter, a reference to the Centre must be taken to be a reference to the National Tennis Centre.

23 Continuation of Agreement

- (1) Despite the abolition of the old Trust, the agreement continues in force on and from the commencement of section 8 as if it is an agreement between the new Trust and the Association.
- (2) Subject to the Principal Act and sub-section (3), the new Trust—
 - (a) has the rights and powers conferred on the old Trust by the agreement; and
 - (b) is subject to the obligations of the old Trust under the agreement; and
 - (c) is responsible for carrying out the agreement.
- (3) For the purposes of Part 6 of the agreement, all money paid to or expended by the old Trust in the financial year in which this section comes into operation are to be deemed to have been paid to or expended by the new Trust.
- (4) In this section—

agreement means the management agreement entered into between the old Trust and the Association and dated 30 December 1993;

Association has the same meaning as in the Principal Act.

² S. 5: See note 1.

³ S. 7: Section 5 of the **Victorian Arts Centre (Amendment) Act 1988**, No. 77/1988 reads as follows:

5 Approval of agreements

The Agreements referred to in the Schedule and any subsequent agreements to the like effect between Olympic Park Management and Victorian Arts Centre Trust or between National Tennis Centre Trust and Victorian Arts Centre Trust, are specifically authorised and approved.

THE SCHEDULE

S. 5

Agreements relating to the sale of tickets

1. Agreement dated 28 April 1988 between Olympic Park Management and Victorian Arts Centre Trust.
2. Agreement dated 18 May 1988 between National Tennis Centre Trust and Victorian Arts Centre Trust.