

PARLIAMENT OF VICTORIA

Caulfield Racecourse Reserve Bill 2017

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PARLIAMENT OF VICTORIA

Introduced in the Assembly

Caulfield Racecourse Reserve Bill 2017

A Bill for an Act to establish a Trust to manage the Caulfield Racecourse Reserve for racing, recreation and public park purposes, to provide for related matters and to make consequential amendments to other Acts and for other purposes.

The Parliament of Victoria enacts:

Part 1—Preliminary

1 Purposes

The purposes of this Act are—

- 5
- (a) to establish a Trust to manage the Caulfield Racecourse Reserve for racing, recreation and public park purposes; and
 - (b) to confer functions, duties and powers on the Trust in relation to the management of the Caulfield Racecourse Reserve, including
- 10 leasing and licensing powers; and

- 5
- (c) to allow the Minister to give directions to the Trust in relation to the carrying out of the Trust's functions, duties and powers; and
- (d) to allow the Minister to appoint, suspend and remove members of the Trust; and
- 10
- (e) to create a mechanism to define certain areas of the Caulfield Racecourse Reserve that may be used for each of the purposes for which the land is permanently reserved; and
- (f) to provide for other related matters in relation to the management of the Caulfield Racecourse Reserve; and
- 15
- (g) to revoke a Crown grant and provide for the dissolution of the appointment of trustees under the grant; and
- (h) to make consequential amendments to other Acts.

2 Commencement

- 20
- (1) This Part, Part 7 and Schedule 1 come into operation on the day after the day on which this Act receives the Royal Assent.
- (2) Subject to subsection (3), the remaining provisions of this Act come into operation on a day or days to be proclaimed.
- 25
- (3) If a provision referred to in subsection (2) does not come into operation before 1 August 2018, it comes into operation on that day.

3 Definitions

In this Act—

- 30
- Caulfield Racecourse Reserve event*** means an event to which an event declaration applies;

corporate planning document means—

- (a) a statement of corporate intent; or
- (b) a corporate plan; or
- (c) a business plan;

5 *Council* has the same meaning as in the **Local Government Act 1989**;

event declaration means a declaration made under section 33;

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

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

land use order means an order made under section 32;

15 *local Council* means the Council that governs the municipal district in which the Reserve is located;

municipal district has the same meaning as in the **Local Government Act 1989**;

20 *Reserve* means the land described in items 1, 2 and 3 of Schedule 1, subject to any authorised additions, excisions or revocations;

25 *setting aside determination* means a determination under section 34(2);

strategic management plan means a strategic management plan made by the Trust under section 28;

30 *Trust* means the Caulfield Racecourse Reserve Trust established by section 5;

5

Victoria Amateur Turf Club (incorporating Melbourne Racing Club) means the Victoria Amateur Turf Club (incorporating Melbourne Racing Club) as constituted under the **Victoria Amateur Turf Club (Incorporating the Melbourne Racing Club) Act 1963**.

4 Filming Approval Act 2014

10

This Act is filming approval legislation within the meaning of the **Filming Approval Act 2014**.

Part 2—Caulfield Racecourse Reserve Trust

5 Establishment of the Trust

- 5
- (1) The Caulfield Racecourse Reserve Trust is established.
- (2) The Trust—
- (a) is a body corporate with perpetual succession; and
- (b) has a common seal; and
- (c) may sue or be sued in its corporate name; and
- 10
- (d) is capable of acquiring, holding and disposing of real and personal property; and
- (e) is capable of doing or suffering anything which by law a body corporate may do or suffer.
- 15
- (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
- 20
- common seal of the Trust affixed to a document and, until the contrary is proved, must presume that it was duly affixed.

6 Functions and powers of the Trust

- (1) The Trust has the following functions—
- 25
- (a) to be responsible for the planning, development, management, operation, care, promotion and use of the Reserve for the purposes of racing, recreation and a public park;
- 30
- (b) to undertake proper financial management of the Reserve;

- 5 (c) to accept appointment and act as a committee of management of Crown land under the **Crown Land (Reserves) Act 1978**;
- (d) to perform any other function conferred on or given to the Trust by or under this Act or any other Act.
- 10 (2) The Trust must not accept appointment and act as a committee of management under the **Crown Land (Reserves) Act 1978** in respect of land outside the Reserve without the approval of the Minister and the Minister responsible for administering the **Racing Act 1958**.
- (3) The Trust has all powers necessary to perform its functions and duties under this Act.

15 **7 Members of the Trust**

- (1) The Trust consists of at least 5 but not more than 7 members appointed by the Minister.
- (2) The Minister must appoint one member of the Trust as chairperson of the Trust.
- 20 (3) In making an appointment under this section, the Minister must consider—
- (a) a person's capacity to perform the functions of the Trust; and
- (b) any qualifications, skills or experience that 25 the Minister considers relevant to the management of the Reserve.

8 Terms and conditions of appointment to the Trust

- (1) A member of the Trust—
- 30 (a) is appointed for a term, not exceeding 3 years, specified in the member's instrument of appointment; and
- (b) is eligible for reappointment; and

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

5 (2) A member of the Trust is entitled to receive any remuneration, fees or allowances that are fixed from time to time for that member by the Minister, other than a member who is a member of the Legislative Assembly or the Legislative Council.

10 **9 Resignation and removal of members of the Trust**

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

(2) The Minister may remove a member of the Trust at any time.

15 **10 Vacancies in the membership of the Trust**

The office of a member of the Trust becomes vacant if—

- 20 (a) the member becomes bankrupt; or
- (b) the member is convicted of an indictable offence or an offence which, if committed in Victoria, would be an indictable offence; or
- (c) the member is absent from 3 consecutive meetings of the Trust without the prior leave of the Trust; or
- 25 (d) the member resigns or is removed under section 9.

11 Acting members of the Trust

(1) The Minister may appoint a person to act as a member of the Trust if—

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

(b) a member of the Trust is unable to perform their duties because of illness or some other reason.

(2) A person appointed as an acting member—

5

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

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

10

12 Validity of decisions of the Trust

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

15

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

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

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

20

13 Pecuniary and other interests of members of the Trust

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

25

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

30

(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.

- 5
- (2) A person presiding at a meeting at which a declaration is made must make a record of the declaration in the minutes of the meeting.
- (3) After a declaration is made by a member under subsection (1)—
- 10
- (a) unless the Trust otherwise directs, the member must not be present during any deliberation with respect to that matter; and
- (b) the member is not entitled to vote on that matter.
- 15
- (4) Despite subsection (3), if a declaration is made by a member under this section and that member subsequently votes on a matter which is the subject of the declaration, the vote must be disallowed.

14 Membership of the Trust not an office of profit

20

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

15 Meetings of the Trust

- 25
- (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 the members to preside at the meeting.
- 30
- (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
- (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 means or any other means of communication.
 - (7) Subject to this Act, the Trust may regulate its own proceedings.

10 **16 Convening of meetings of the Trust**

- (1) The Trust must hold at least 4 meetings in any calendar year.
- (2) The chairperson must convene the meetings of the Trust.
- 15 (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.

17 Chief executive officer of the Trust

- 20 (1) The Trust may appoint a person as the chief executive officer of the Trust.
- (2) The function of the chief executive officer is to assist the Trust to perform its functions and duties and exercise its powers under this Act.
- 25 (3) The chief executive officer has the power to do all things necessary to be done for, in connection with or incidental to, the performance of the chief executive officer's function.

18 Staff of the Trust

- 30 (1) The Trust may employ any employees that are necessary to enable the Trust to perform its functions and duties and exercise its powers under this Act.

- 5
- (2) The Trust may engage any consultants that it requires to perform its functions and duties and exercise its powers under this Act.
 - (3) The terms and conditions of any appointment, employment or engagement are as determined by the Trust.

19 Ministerial directions to the Trust

- 10
- (1) The Minister may give the Trust written directions in relation to the performance of its functions and duties and the exercise of its powers under this Act, including directions in relation to the expenditure of funds.
 - (2) The Minister must give the Trust at least 14 days' written notice of the Minister's intention to give the Trust a direction under subsection (1).
 - (3) The Trust must comply with a direction received under subsection (1).
 - (4) The Trust must publish a direction—
 - 20 (a) in the Government Gazette within 14 days of receiving the direction; and
 - (b) on its Internet site; and
 - (c) in its annual report.
 - (5) On request from the Minister, the Trust must give the Minister any information the Minister requires to assist the Minister to determine whether the Trust has complied with a direction.
- 25

20 Delegation by the Trust

- 30
- The Trust, by instrument, may delegate any function, duty or power of the Trust, other than this power of delegation, to—
- (a) one or more members of the Trust; or
 - (b) the chief executive officer.

21 Trust is a public body

The Trust is a public body to which Part 7 of the **Financial Management Act 1994** applies.

22 Trust is a public entity

5 The Trust is a public entity within the meaning of the **Public Administration Act 2004**.

Part 3—Planning and reporting obligations

23 Corporate planning documents of the Trust

- 5 (1) The Minister, in writing, may request the Trust to prepare a corporate planning document to provide to the Minister.
- (2) The Trust must prepare a corporate planning document if requested by the Minister.
- (3) A request under subsection (1) must—
- 10 (a) specify the date by which the corporate planning document must be provided to the Minister; and
- (b) specify the information to be included in the corporate planning document and the form in which the information must be provided.
- 15 (4) A corporate planning document may be amended at any time by the Trust with the approval of the Minister.
- 20 (5) The Minister, in writing, may direct the Trust to amend a corporate planning document at any time by including or omitting any specified information.
- (6) The Trust must comply with a direction under subsection (5).

24 Trust must notify the Minister of certain matters

- 25 If the Trust considers that matters have arisen that may prevent or significantly affect the achievement of the objectives of a corporate planning document, the Trust must notify the Minister.

25 Statement of obligations

- 5
- (1) The Minister may issue a statement of obligations to the Trust specifying obligations of the Trust in performing its functions and duties and exercising its powers.
- (2) The Trust must comply with a statement of obligations issued to the Trust under subsection (1).
- 10
- (3) The Minister may amend, vary or revoke a statement of obligations issued to the Trust.
- (4) Before issuing a statement of obligations to the Trust, or amending, varying or revoking a statement of obligations, the Minister must give the Trust written notice of the proposed statement, amendment, variation or revocation.
- 15
- (5) A written notice under subsection (4) must include a statement that the Trust may make a written submission to the Minister, and the date by which the submission must be received by the Minister, being at least 28 days after the notice is given.
- 20
- (6) After issuing a statement of obligations, or amending, varying or revoking a statement of obligations, the Minister must ensure that notice of the statement, amendment, variation or revocation is published in the Government Gazette.
- 25
- (7) A statement of obligations or amendment, variation or revocation of a statement of obligations takes effect on—
- 30
- (a) the date that notice of it is published in the Government Gazette; or
- (b) any later date specified in the notice.

5 (8) The Trust must publish notice of a statement of obligations or amendment, variation or revocation of a statement of obligations on the Internet site of the Trust within 14 days of publication of the notice in the Government Gazette.

(9) The Trust's annual report under section 31 must include a statement as to how the Trust has complied with any statement of obligations issued to the Trust by the Minister.

10 **26 Draft strategic management plan**

(1) The Trust must prepare a draft strategic management plan for the Reserve.

15 (2) A draft strategic management plan must include—
(a) a statement of the strategic objectives and directions for the promotion, management, use and development of the Reserve; and

20 (b) a long-term plan for the Reserve that sets out a clear direction for the future promotion, management, use and development of the Reserve in a manner that is consistent with the objectives of this Act and the purposes for which the land is reserved.

(3) In preparing a draft strategic management plan, the Trust must consult with—

- 25 (a) the Minister; and
(b) the Minister responsible for administering the **Racing Act 1958**; and
(c) the local Council; and
30 (d) the holders of any lease or licence over the Reserve; and
(e) any other persons or bodies that the Trust considers are likely to be affected by the plan.
-

27 Publication of a draft strategic management plan

- 5
- (1) The Trust must publish on its Internet site—
- (a) a draft strategic management plan; and
 - (b) a statement that any person may make a written submission to the Trust in respect of the draft plan; and
 - (c) the date by which a submission must be received by the Trust, being at least 28 days after publication of the draft plan.
- 10
- (2) In addition to subsection (1), the Trust must publish in a newspaper circulating in the municipal district of the local Council and in a newspaper circulating throughout the State—
- (a) details as to where a copy of the draft strategic management plan may be obtained; and
 - (b) a statement that any person may make a written submission to the Trust in respect of the draft plan; and
 - (c) the date by which a submission must be received by the Trust, being at least 28 days after publication of the draft plan.
- 15
- 20

28 Making and publication of a strategic management plan

- 25
- (1) After considering any written submissions in relation to a draft strategic management plan, the Trust may make a strategic management plan.
- (2) The Trust must publish a strategic management plan on its Internet site as soon as practicable after making the plan.
- 30

29 Amendment of a strategic management plan

- 5
- 10
- (1) The Trust may amend a strategic management plan at any time.
 - (2) The Trust must publish an up-to-date consolidated version of a strategic management plan on its Internet site as soon as practicable after amending the plan.
 - (3) Sections 26, 27 and 28 apply to the amendment of a strategic management plan (other than a minor, technical amendment) as if the amendment were a draft strategic management plan.

30 Review of a strategic management plan

- 15
- 20
- (1) Subject to subsection (2), the Trust may undertake a review of a strategic management plan at any time, but at least every 10 years after the making of the plan.
 - (2) The Minister may direct the Trust to undertake a review of a strategic management plan at any time and the Trust must undertake that review.

31 Annual report of the Trust

- 25
- (1) The Trust must prepare an annual report of operations for each financial year under Part 7 of the **Financial Management Act 1994**.
 - (2) The Trust is required to prepare an annual report despite section 46(2) of the **Financial Management Act 1994**.

Part 4—Management of the Reserve

32 Land use orders

- 5 (1) On receiving a plan of survey signed by the Surveyor-General of the whole or any part of the Reserve, or that land as nearly as practicable, the Minister may make an order specifying that the whole or part of the Reserve may be used for one or more of the following purposes—
- 10 (a) racing purposes;
- (b) recreation purposes;
- (c) public park purposes.
- (2) An order under subsection (1) must be published in the Government Gazette.
- 15 (3) An order must include a copy of the plan of survey specifying the land to which the order applies.
- (4) An order takes effect on—
- (a) the date that it is published in the Government Gazette; or
- 20 (b) any later day specified in the order.
- (5) The making of an order is not intended to—
- (a) revoke or affect in any other way the legal status of any reservation of land that is subject to the order; or
- 25 (b) affect the status or continuity of any lease, licence or other agreement in relation to that land.

33 Event declarations

- 30 (1) The Trust, by notice published in the Government Gazette, may declare an event to be held at the Reserve a Caulfield Racecourse Reserve event.

- 5 (2) The Trust, by notice published in the Government Gazette, must make an event declaration if the Trust receives a request from the Victoria Amateur Turf Club (incorporating Melbourne Racing Club) for an event declaration to be made because dates and times for horse race-meetings have been fixed by Racing Victoria (within the meaning of the **Racing Act 1958**) to be conducted by the Club at the Caulfield Racecourse Reserve.
- 10 (3) If the Minister and the Minister administering the **Racing Act 1958** are satisfied that there are exceptional circumstances that require an event in an event declaration made under subsection (2) to be cancelled or transferred to another venue, the Trust, on request of those Ministers, must vary that event declaration.
- 15 (4) The Trust must publish an event declaration variation made under subsection (3) in the Government Gazette at least one day before the Caulfield Racecourse Reserve event to which it applies.
- 20 (5) The Trust must not make an event declaration , other than an event declaration referred to in subsection (2), unless the Trust is satisfied that—
- 25 (a) the purpose of the proposed event is not detrimental to the purposes for which the land is reserved; and
- (b) the making of the declaration is in the public interest.
- 30 (6) An event declaration must include the following information—
- (a) the title of the Caulfield Racecourse Reserve event and a short description of it;
- 35 (b) the dates and times during which the Caulfield Racecourse Reserve event is to take place;
-

- 5
- (c) the part of the Reserve to which the declaration applies, described in writing or by way of map or other document;
- (d) the name of the person or body who takes control of the part of the Reserve to which the declaration applies;
- (e) any regulations made under this Act that are suspended during the Caulfield Racecourse Reserve event;
- 10 (f) specification of any event fees to be imposed or collected for the Caulfield Racecourse Reserve event;
- (g) any other prescribed information.
- 15 (7) The Trust may grant a permit under section 38 in respect of any part of the Reserve for the purposes of a Caulfield Racecourse Reserve event.
- (8) Any regulations made under this Act applying to the part of the Reserve to which an event declaration applies continue to apply during a Caulfield Racecourse Reserve event, unless the event declaration provides for the suspension of those regulations.
- 20
- (9) Subject to subsections (10) and (11)—
- 25 (a) an event declaration made under subsection (2) must be published at least 7 days before the first race day that is a Caulfield Racecourse Reserve event; and
- (b) any other event declaration must be published at least 7 days before the Caulfield Racecourse Reserve event to which it applies.
- 30
- (10) The Trust may make an urgent event declaration, other than an event declaration referred to in subsection (2), if—
- 35
-

- 5
- (a) there are exceptional circumstances that require the event declaration to be made at short notice; and
 - (b) the Minister and the Minister administering the **Racing Act 1858** are satisfied that the urgent event declaration must be made.
- 10
- (11) The Trust must publish an event declaration made under subsection (10) in the Government Gazette at least one day before the Caulfield Racecourse Reserve event to which it applies.

34 General management powers

- 15
- (1) The Trust is responsible for the management of the Reserve.
 - (2) Without limiting subsection (1), the Trust, by determination published in the Government Gazette, may set aside an area of the Reserve for the purposes of planning, development, management, care or use of the Reserve.
 - (3) A setting aside determination—

20

 - (a) may apply—
 - (i) at all times or specified times;
 - (ii) to all circumstances or to specified circumstances;
 - (iii) to all persons or to any class or classes of persons; and
 - (b) must specify the period for which the determination is in operation, not exceeding 3 years; and
 - (c) may provide that a specified activity or class of specified activity is permitted, prohibited or restricted in the area; and
- 25
- 30

- 5
- (d) may provide that all access to an area is prohibited or restricted; and
- (e) may confer a discretionary authority on, or impose a specified duty on, a specified person or class of person.
- 10
- (4) If regulations made under this Act applying to the Reserve or an area of the Reserve are inconsistent with a setting aside determination for an area of the Reserve, those regulations do not apply to the area for the period that the setting aside determination is in operation.
- (5) A setting aside determination comes into operation on—
- 15
- (a) the date that it is published in the Government Gazette; or
- (b) any later date specified in the determination.
- (6) A person must not contravene a setting aside determination.
- Penalty: 10 penalty units.

20 **35 Power to determine and collect fees and charges**

- (1) Subject to subsection (2), the Trust by determination published in the Government Gazette, may determine and collect fees and charges for entry into the Reserve.
- 25
- (2) A fee or charge cannot be determined or collected for entry into any part of the Reserve used for the purposes of a public park.
- (3) The power to determine fees and charges may be exercised by providing for different fees and charges for different activities and different classes of people, including the waiver of fees and charges.
- 30

- (4) A determination under subsection (1) comes into operation on—
- (a) the date that it is published in the Government Gazette; or
 - (b) any later date specified in the determination.
- (5) This section applies despite anything to the contrary in the **Crown Land (Reserves) Act 1978**.

36 Power to grant leases

- (1) The Trust, with the approval of the Minister, may grant a lease of the whole or any part of the Reserve.
- (2) The Minister must not approve the granting of a lease under subsection (1) unless the Minister is satisfied that—
- (a) the purpose of the lease is not detrimental to the purposes for which the land is reserved; and
 - (b) the granting of the lease is in the public interest.
- (3) Subject to subsection (4), a lease may be granted for a term not exceeding 65 years.
- (4) In the case of a lease for a period exceeding 21 years, the Minister, in addition to the requirements set out in subsection (2), must be satisfied that the proposed use, development, improvements or works that may be carried out under the lease are of a substantial nature and of a value which justifies a longer term lease.
- (5) Provided that the aggregate of the original term and the further term or terms must not exceed the maximum term for which the lease may be granted under this section, a lease may contain—

- 5
- (a) options for the lessee to renew the lease for a further term; and
- (b) provision for a lessee to remain in occupation of the land under the same terms and conditions as existed under the lease, at the discretion of the lessor, for a period of not more than 3 months from the expiry of the lease.
- 10
- (6) A lease granted by the Trust may be subject to any covenants, exceptions, reservations and conditions that are determined by the Trust and approved by the Minister.
- 15
- (7) This section applies despite anything to the contrary in the **Crown Land (Reserves) Act 1978** and the **Land Act 1958**.

37 Power to grant licences

- 20
- (1) The Trust may grant a licence to enter and use the whole or any part of the Reserve.
- (2) The Trust must not grant a licence under subsection (1) unless the Trust considers that—
- 25
- (a) the purpose of the licence is not detrimental to the purposes for which the land is reserved; and
- (b) the granting of the licence is in the public interest.
- (3) A licence may be granted for a period not exceeding 3 years or, with the approval of the Minister, a period not exceeding 10 years.
- 30
- (4) This section applies despite anything to the contrary in the **Crown Land (Reserves) Act 1978** and the **Land Act 1958**.
-

38 Power to grant permits

- 5 (1) Subject to subsections (2) and (3), the Trust may grant a permit over the whole or any part of the Reserve—
- (a) in relation to, or for the purpose of, a Caulfield Racecourse Reserve event; or
- (b) for any other purpose.
- 10 (2) The Trust must not grant a permit in relation to, or for the purpose of, a Caulfield Racecourse Reserve event unless the Trust considers that—
- (a) the purpose of the permit is not detrimental to the purposes for which the land is reserved; and
- 15 (b) the granting of the permit is in the public interest.
- (3) The Trust must not grant a permit for any other purpose unless the Trust considers that the purpose of the permit is not detrimental to the purposes for which the land is reserved.
- 20 (4) A permit may be granted for a period not exceeding 6 months.
- (5) This section applies despite anything to the contrary in the **Crown Land (Reserves) Act 1978** and the **Land Act 1958**.

Part 5—Financial provisions

39 Borrowing powers of the Trust

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

40 Accounts in the name of the Trust

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

41 Caulfield Racecourse Reserve Trust Fund

- 10 (1) The Trust must establish and maintain a fund called the Caulfield Racecourse Reserve Trust Fund.
- 15 (2) There must be paid into the Caulfield Racecourse Reserve Trust Fund—
- (a) all money received by or paid to the Trust in respect of the Reserve; and
- 20 (b) all money required or authorised by or under this Act or any other Act to be paid into the Caulfield Racecourse Reserve Trust Fund; and
- (c) any income received by the Trust from the investment of moneys in the Caulfield Racecourse Reserve Trust Fund.
- 25 (3) There may be paid out of the Caulfield Racecourse Reserve Trust Fund—
- 30 (a) in payment or discharge of the debts and liabilities of the Trust in, or in connection with, the performance of the functions and exercise of the powers of the Trust in respect of the Reserve; or

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Part 5—Financial provisions

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- (b) in payment of the costs of the management of the Reserve or the provision of services on that land; or
- (c) in payment of any other amount that is authorised or required to be paid out of the Caulfield Racecourse Reserve Trust Fund under this Act.

Part 6—Enforcement and regulations

42 Commencement of proceedings

Any civil proceeding under this Act or the regulations may be commenced by—

- 5 (a) the Trust or a person authorised by the Trust;
or
(b) the chief executive officer or a person authorised by the chief executive officer.

43 Regulations

- 10 (1) The Governor in Council may make regulations for or with respect to—
- (a) the planning, development, management, care and use of the Reserve;
- 15 (b) the prohibition or regulation of any activity on the Reserve;
- (c) the protection of persons on the Reserve;
- (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;
- 20 (e) the exclusion or expulsion of persons found contravening the regulations from the Reserve;
- 25 (f) 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—
- 30 (a) may be of general or limited application;
- (b) may differ according to differences in time, place or circumstance;
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- (c) may confer a discretionary authority or impose a duty on a specified person or class of persons;
 - (d) may impose a penalty not exceeding 20 penalty units for a contravention of the regulations.
- (3) Any regulations made under this Act for or with respect to the issuing of film permits must not be inconsistent with the film friendly principles.

**Part 7—Revocation of Crown grant—
Caulfield Racecourse Reserve**

44 Revocation of Crown grant—Caulfield Racecourse Reserve land

5 Crown Grant Volume 7275 Folio 814 is revoked.

45 Dissolution of Caulfield Racecourse Reserve Trust

Subject to this Part, on the revocation of the Crown grant by section 44—

- 10 (a) the Caulfield Racecourse Reserve Trust is dissolved and the persons appointed or holding office as trustees go out of office; and
- 15 (b) the land to which the Crown grant applied, is divested from the dissolved Trust and is vested in the Minister administering the **Crown Land (Reserves) Act 1978** to be managed under that Act until Part 2 of this Act commences; and
- 20 (c) all rights, property and assets that, immediately before that revocation, were vested in the dissolved Trust are vested, by virtue of this section, in the Minister referred to in paragraph (b); and
- 25 (d) all debts, liabilities and obligations of the dissolved Trust existing immediately before that revocation become debts, liabilities and obligations of the Minister referred to in paragraph (b); and
- 30 (e) the Minister referred to in paragraph (b) is substituted as a party to any proceeding pending in any court or tribunal to which the dissolved Trust was a party immediately before that revocation; and

- (f) the Minister referred to in paragraph (b) is to hold any funds of the dissolved Trust during the period of management pending the commencement of Part 2.

5 **46 Preservation of certain leases and related interests**

- (1) Nothing done by this Part affects the status or continuity of—

- 10 (a) the lease over land in the Crown grant, in force immediately before the revocation of the Crown grant, entered into by the trustees of the Caulfield Racecourse Reserve with the Victoria Amateur Turf Club trading as the Melbourne Racing Club and commencing on 23 April 2008
- 15 in relation to the premises known as the Neerim Road Stables, including any sublease, licence, agreement or other interest arising under that lease; or
- 20 (b) the lease over land in the Crown grant, in force immediately before the revocation of the Crown grant, entered into by the trustees of the Caulfield Racecourse Reserve with the Victoria Amateur Turf Club and commencing on 1 April 1998 in relation to
- 25 the premises known as the Western Stables, including any sublease, licence, agreement or other interest arising under that lease.

- 30 (2) A lease referred to in subsection (1) has effect from the revocation of the Crown grant until the commencement of Part 2—

- 35 (a) as a lease between the Minister administering the **Crown Land (Reserves) Act 1978** as lessor and the lessee for the time being under the lease, as if it had been assigned to the Minister administering the **Crown Land (Reserves) Act 1978**; and
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(b) as if the lease referred to that Minister instead of the trustees of the Caulfield Racecourse Reserve.

(3) Nothing done by virtue of this Part—

- 5 (a) is to be regarded as placing any person in breach of, or as constituting a default under, any provision of a lease referred to in subsection (1) including any provision prohibiting, restricting or regulating the assignment of the lease; or
- 10 (b) is to be regarded as fulfilling any condition which allows a person to exercise a right or remedy in respect of, or to terminate, any agreement or obligation; or
- 15 (c) releases any surety or other obligor wholly or in part from any obligation.

47 Reservation not affected

20 Nothing in this Part affects the status or continuity of the permanent reservation of the Reserve by the Orders in Council specified in items 1, 2 and 3 of Schedule 1.

48 Minister's power to grant leases

- 25 (1) The Minister administering the **Crown Land (Reserves) Act 1978** may grant a lease of the whole or any part of the land described in section 45(b) to the Victoria Amateur Turf Club (incorporating Melbourne Racing Club) if satisfied that—
- 30 (a) the purpose of the lease is not detrimental to the purposes for which the land is reserved; and
- (b) the granting of the lease is in the public interest.

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- (2) Subject to subsection (3), a lease may be granted for a term not exceeding 65 years.
 - (3) In the case of a lease for a period exceeding 21 years, the Minister, in addition to the requirements set out in subsection (1), must be satisfied that the proposed use, development, improvements or works that may be carried out under the lease are of a substantial nature and of a value which justifies a longer term lease.
 - (4) Provided that the aggregate of the original term and the further term or terms must not exceed the maximum term for which the lease may be granted under this section, a lease may contain—
 - (a) options for the lessee to renew the lease for a further term; and
 - (b) provision for a lessee to remain in occupation of the land under the same terms and conditions as existed under the lease, at the discretion of the lessor, for a period of not more than 3 months from the expiry of the lease.
 - (5) A lease granted by the Minister under this section may be subject to any covenants, exceptions, reservations and conditions that are determined by the Minister.
 - (6) This section applies despite anything to the contrary in the **Crown Land (Reserves) Act 1978** and the **Land Act 1958**.
 - (7) This section is **repealed** on the commencement of Part 2.

49 Saving and transfer of certain leases

- (1) On and from the commencement of Part 2, any lease referred to in section 46(1) or entered into under section 48 has effect—

- 5 (a) as a lease between the Trust established under section 5 as lessor and the lessee for the time being under the lease, as if it had been assigned to the Trust; and
- 5 (b) as if the lease referred to the Trust instead of the Minister administering the **Crown Land (Reserves) Act 1978**.
- (2) Nothing done by virtue of this section—
- 10 (a) is to be regarded as placing any person in breach of, or as constituting a default under, any provision of a lease referred to in subsection (1) including any provision prohibiting, restricting or regulating the assignment of the lease; or
- 15 (b) is to be regarded as fulfilling any condition which allows a person to exercise a right or remedy in respect of, or to terminate, any agreement or obligation; or
- 20 (c) releases any surety or other obligor wholly or in part from any obligation.

50 Land vests in Trust on commencement of Part 2

On the commencement of Part 2—

- 25 (a) the land referred to in section 45(b) is divested from the Minister administering the **Crown Land (Reserves) Act 1978** and vests in the Trust established by section 5 and becomes part of the Reserve; and
- 30 (b) all rights, property and assets that, immediately before that commencement, were vested in the Minister referred to in paragraph (a) are vested, by virtue of this section, in the Trust; and

- 5 (c) all debts, liabilities and obligations of the Minister referred to in paragraph (a) existing immediately before that commencement become debts, liabilities and obligations of the Trust; and
- 10 (d) the Trust is substituted as a party to any proceeding pending in any court or tribunal to which the Minister referred to in paragraph (a) was a party immediately before that commencement; and
- (e) any funds held by the Minister referred to in paragraph (a) under section 45(f) are transferred to the Trust.

51 Registrar of Titles to make necessary amendments

15 The Registrar of Titles must make any recordings in or amendments to the Register kept under the **Transfer of Land Act 1958** that are necessary because of the operation of any provision of this Part.

Part 8—Consequential amendments to other Acts

52 Conservation, Forests and Lands Act 1987

5 In Schedule 1A of the **Conservation, Forests
and Lands Act 1987**, before the entry relating to
the **Royal Botanic Gardens Act 1991** insert—
"**Caulfield Racecourse Reserve Act 2017**".

53 Cultural and Recreational Lands Act 1963

10 In section 2 of the **Cultural and Recreational
Lands Act 1963**, in the definition of *recreational
lands*, after paragraph (b) insert—

"(ba) the Reserve within the meaning of the
Caulfield Racecourse Reserve Act 2017;
or".

54 Filming Approval Act 2014

15 In section 3 of the **Filming Approval Act 2014**,
in the definition of *filming approval legislation*,
before paragraph (a) insert—

20 "(aa) the **Caulfield Racecourse Reserve
Act 2017**; and".

55 Repeal of amending Part

This Part is **repealed** on 1 August 2019.

Note

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

Schedule 1—Caulfield Racecourse Reserve

Item 1

Situation of land:	Crown Allotment A, Parish of Prahran at Caulfield, County of Bourke.
Instrument and date of reservation:	Order in Council dated 6 October 1879, published in the Government Gazette on 10 October 1879 at page 2436.
Description of land by reference to Government Gazette:	Government Gazette dated 5 September 1879 at page 2436.
Purpose of reservation:	Site for Racing, Recreation, and Public Park purposes.

Item 2

Situation of land:	Crown Allotment A, Parish of Prahran at Caulfield, County of Bourke.
Instrument and date of reservation:	Order in Council dated 30 January 1884, published in the Government Gazette on 8 February 1884 at page 489.
Description of land by reference to Government Gazette:	Government Gazette dated 4 January 1884 at page 9.
Purpose of reservation:	Site for Racing, Recreation, and Public Park purposes.

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Schedule 1—Caulfield Racecourse Reserve

Item 3

Situation of land:	Crown Allotment A, Parish of Prahran at Caulfield, County of Bourke.
Instrument and date of reservation:	Order in Council dated 15 July 1930, published in the Government Gazette on 23 July 1930 at page 1974.
Description of land by reference to Government Gazette:	Government Gazette dated 23 July 1930 at page 1974.
Purpose of reservation:	Site for Racing, Recreation, and Public Park purposes.



Endnotes

1 General information

See www.legislation.vic.gov.au for Victorian Bills, Acts and current authorised versions of legislation and up-to-date legislative information.