

TASMANIA

**CROWN LAND (PARLIAMENTARY PRECINCT
REDEVELOPMENT) BILL 2009**

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CROWN LAND (PARLIAMENTARY PRECINCT REDEVELOPMENT) BILL 2009

This Public Bill originated in the House of Assembly, and, having this day passed, is now ready for presentation to the Legislative Council for its concurrence.

P. R. ALCOCK, *Clerk of the House*
10 June 2009

*(Brought in by the Minister for Primary Industries and Water,
the Honourable David Edward Llewellyn)*

A BILL FOR

An Act to enable the issue of one or more titles under the *Land Titles Act 1980* for Crown land situated behind Parliament House, to facilitate the sale of, and other dealings in, that land and for related purposes

Be it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

1. Short title

This Act may be cited as the *Crown Land (Parliamentary Precinct Redevelopment) Act 2009*.

2. Commencement

This Act commences on the day on which this Act receives the Royal Assent.

3. Interpretation

In this Act, unless the contrary intention appears –

“adjoining laneway” means the laneway that –

- (a) runs from Salamanca Place to Murray Street between the rear of Parliament House and the Parliamentary precinct redevelopment site; and
- (b) comprises about 889 square metres; and
- (c) is shown as Lot 2, and bounded by a heavy black line, on Plan 8497 in the Central Plan Register, a reduced copy of which is set out, by way of illustration only, in Schedule 1;

“commencement day” means the day on which this Act commences;

“Crown land” has the same meaning as in the *Crown Lands Act 1976*;

“Director-General of Lands” means the person appointed as Director-General of Lands under section 7 of the *Crown Lands Act 1976*;

“limitation”, in relation to land, means any trust, reservation, restriction, exception,

encumbrance, limitation, estate or interest in or in relation to the land, however created or imposed;

“**Minister**” means the Minister administering the *Crown Lands Act 1976*;

“**Parliamentary precinct redevelopment site**” has the meaning given by section 4;

“**Recorder of Titles**” means the person appointed as Recorder of Titles under section 4 of the *Land Titles Act 1980*;

“**Register**” means the register of title kept under section 33 of the *Land Titles Act 1980*.

4. Parliamentary precinct redevelopment site

- (1) The Parliamentary precinct redevelopment site comprises all that area of land of about 7 738 square metres shown as Lot 1, and bounded by a heavy black line, on Plan 8497 in the Central Plan Register.
- (2) A reduced copy of the plan referred to in subsection (1) is set out, by way of illustration only, in Schedule 1.

5. Parliamentary precinct redevelopment site and adjoining laneway vested in Crown

Any land within the Parliamentary precinct redevelopment site or adjoining laneway that, immediately before the commencement day, is not Crown land vests in the Crown on that day.

6. Parliamentary precinct redevelopment site and adjoining laneway unalienated land free from limitations

- (1) All land within the Parliamentary precinct redevelopment site and adjoining laneway is taken to be unalienated Crown land on and from the commencement day until the land is disposed of under this Act, the *Crown Lands Act 1976* or any other Act or law of Tasmania.
- (2) On the commencement day, all land within the Parliamentary precinct redevelopment site and adjoining laneway is freed and discharged from all limitations except as otherwise determined by the Minister by notice in the *Gazette*.
- (3) On the commencement day, all public and private rights and interests in any land within the Parliamentary precinct redevelopment site and the adjoining laneway are extinguished except as otherwise determined by the Minister by notice in the *Gazette*.
- (4) A notice under subsection (2) or (3) –

- (a) is taken to have taken effect on the commencement day; and
- (b) is not a statutory rule for the purposes of the *Rules Publication Act 1953*.

7. Crown may create title

- (1) The Minister and the Director-General of Lands may do all things necessary or convenient for the purposes of creating titles under the *Land Titles Act 1980* to land within the Parliamentary precinct redevelopment site, including strata titles and titles to areas of land above or below the surface of land.
- (2) Without limiting the generality of subsection (1), applications may be made to the Recorder of Titles under section 27A of the *Land Titles Act 1980* in relation to land within the Parliamentary precinct redevelopment site.
- (3) The Minister, in writing, may direct the Recorder of Titles to re-arrange or extinguish any folio of the Register relating to any land within the Parliamentary precinct redevelopment site or the adjoining laneway.
- (4) On receipt of a direction under subsection (3), the Recorder of Titles is to re-arrange or extinguish a folio of the Register as he or she considers appropriate.

8. Minister may create easements

- (1) The Minister may create any easements the Minister considers appropriate in relation to the Parliamentary precinct redevelopment site and adjoining laneway.
- (2) Without limiting the power of the Minister under subsection (1), the Minister may create easements for the purposes of –
 - (a) access to the Parliamentary precinct redevelopment site; and
 - (b) access to Parliament House and the grounds of Parliament House; and
 - (c) infrastructure and services at, on, under or over the Parliamentary precinct redevelopment site, the adjoining laneway, Parliament House and the grounds of Parliament House.
- (3) The Minister, in writing, may direct the Recorder of Titles to record an easement created under this section on the folio of the Register relating to land which is the subject of the easement.
- (4) On receipt of a direction under subsection (3), the Recorder of Titles is to record the easement on the relevant folio of the Register as he or she considers appropriate.

9. Covenants and agreements affecting Parliamentary precinct redevelopment site and adjoining laneway

- (1) The Minister may enter into a positive or negative covenant, or both, relating to any land within the Parliamentary precinct redevelopment site on, or in anticipation of, the sale or transfer of that land.
- (2) The Minister may enter into an agreement concerning the use or development, or both, of any land within the Parliamentary precinct redevelopment site on, or in anticipation of, the sale or transfer of that land.
- (3) The Minister, in writing, may direct the Recorder of Titles to record a covenant or agreement entered into under this section on the folio of the Register relating to land which is the subject of the covenant or agreement.
- (4) On receipt of a direction under subsection (3), the Recorder of Titles is to record the covenant or agreement on the relevant folio of the Register as he or she considers appropriate.
- (5) The benefits and burdens of a covenant or agreement made under this section run with the land to which the covenant or agreement relates, and the covenant or agreement is enforceable between the parties to it and any person deriving title to the land under any such party.

10. Limitation on sale of adjoining laneway

- (1) Despite anything to the contrary in any Act, the fee simple estate in any land within the adjoining laneway may not be sold, granted or otherwise disposed of unless a proposal for the sale, grant or other disposal has first been approved by both Houses of Parliament.
- (2) A proposal is taken to be approved by a House of Parliament –
 - (a) if the House passes a motion approving the proposal; or
 - (b) at the end of 6 sitting days after the proposal was laid before the House if no notice of a motion to disapprove the proposal is before the House; or
 - (c) if such a notice is before the House at the end of that period when the first of the following occurs:
 - (i) the notice is withdrawn;
 - (ii) the motion is negatived;
 - (iii) a further period of 6 sitting days ends.

11. Compensation not payable

No compensation is payable by the Crown in respect of –

- (a) the vesting in the Crown of land by the operation of section 5; or
- (b) the freeing and discharging from limitations of land, and the extinguishing of rights and interests in land, by the operation of section 6; or
- (c) anything done or omitted in good faith under the authority, or for the purposes, of this Act.

12. Powers under this Act additional to other powers

The powers given by this Act in relation to any dealing with land, or in relation to altering or otherwise dealing with the Register, are in addition to any other powers under another Act or any other law of Tasmania to deal with the land, or to alter or otherwise deal with the Register.

13. Regulations

- (1) The Governor may make regulations for the purposes of this Act.
- (2) The regulations may be made so as to apply differently according to such factors as are specified in the regulations.
- (3) The regulations may authorise any matter to be from time to time determined, applied, approved

or regulated by the Minister, Director-General of Lands or Recorder of Titles.

- (4) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of this Act.
- (5) Regulations made under subsection (4) may take effect on the day on which this Act commences or a later day as specified in the regulations, whether the day so specified is before, on or after the day on which the regulations are made.

14. Administration of Act

Until provision is made in relation to this Act by order under section 4 of the *Administrative Arrangements Act 1990* –

- (a) the administration of this Act is assigned to the Minister for Primary Industries and Water; and
- (b) the department responsible to that Minister in relation to the administration of this Act is the Department of Primary Industries and Water.

15. Revocation of reservation instruments

- (1) Any instrument made under any Act or the royal prerogative that reserves, or sets aside, land the whole of which is within the Parliamentary

precinct redevelopment site or adjoining laneway, or both, is revoked.

- (2) Any instrument made under any Act or the royal prerogative that reserves, or sets aside, land only part of which is within the Parliamentary precinct redevelopment site or adjoining laneway, or both, has no effect in relation to the area of land that is within the Parliamentary precinct redevelopment site or adjoining laneway, or both.

16. Consequential amendments

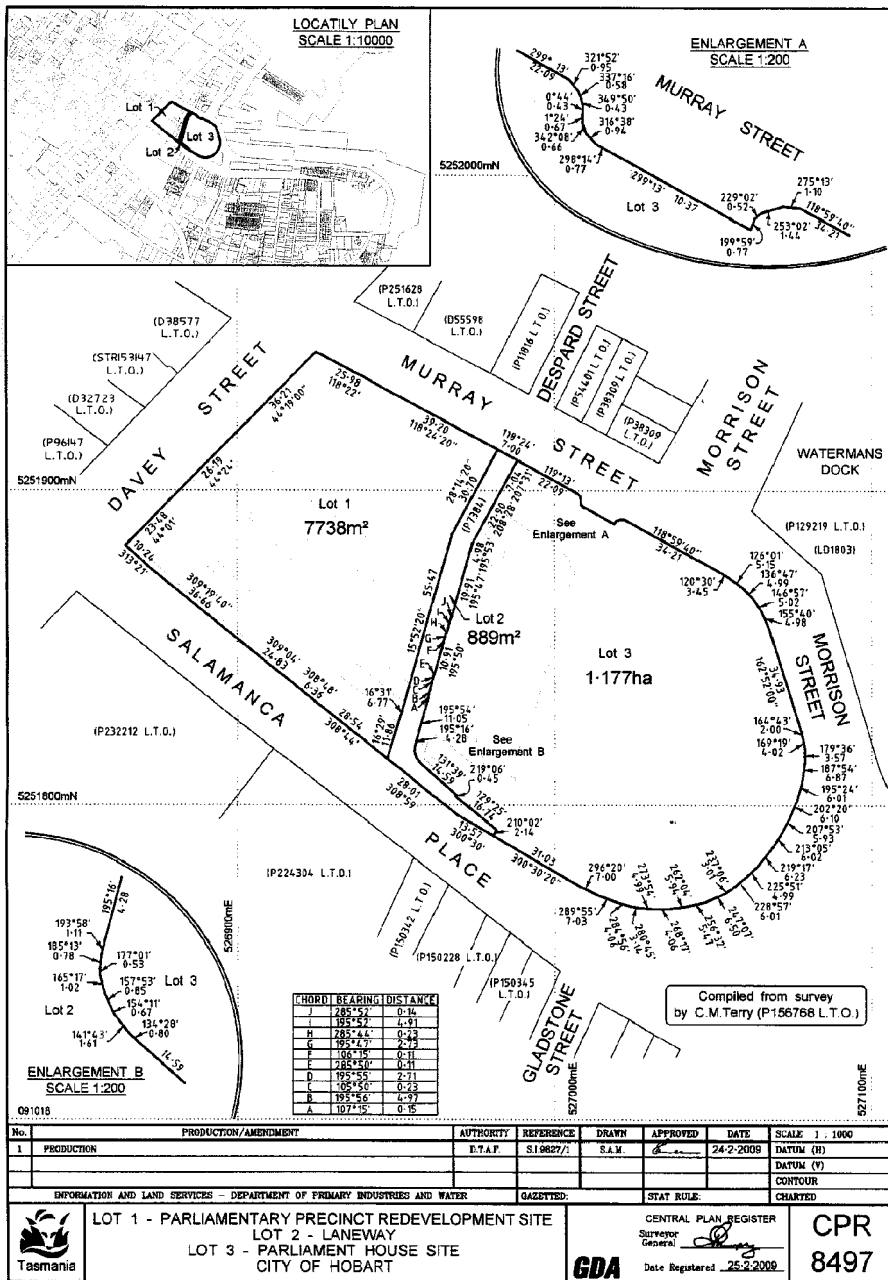
The legislation specified in Schedule 2 is amended as specified in that Schedule.

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**SCHEDULE 1 – PLAN OF PARLIAMENTARY
PRECINCT REDEVELOPMENT SITE AND
ADJACENT LANEWAY**

Sections 3 and 4



SCHEDULE 2 – CONSEQUENTIAL AMENDMENTS

Section 16

Parliament House Act 1962

1. Section 2 is amended by omitting subsection (2) and substituting the following subsections:

- (2) The grounds of Parliament House comprise all that land, surrounding but not including Parliament House, shown as Lot 3 and bounded by a heavy black line on Plan 8497 in the Central Plan Register.

- (3) A reduced copy of the plan referred to in subsection (2) is set out, by way of illustration only, in Schedule 1.

2. Section 4 is repealed and the following section is substituted:

4. **Grounds not public streets**

No part of the grounds of Parliament House is –

- (a) a highway; or
- (b) capable of dedication as a highway by leaving open for public passage or otherwise; or

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(c) a public street as defined by and for the purposes of the *Traffic Act 1925*.

3. Section 6(4) is amended as follows:

(a) by omitting from paragraph (b) “vehicle; or” and substituting “vehicle –”;

(b) by omitting paragraph (c).

4. After section 9, the following Schedule is inserted:

