

## TASMANIA

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# UNIVERSITY OF TASMANIA (PROTECTION OF LAND) BILL 2024

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## CONTENTS

1. Short title
  2. Commencement
  3. Interpretation
  4. Parliamentary approval required to dispose of certain University land
  5. Minister may protect land with caveat
  6. Application of Act to leases and agreements for sale
  7. Regulations
  8. Administration of Act
  9. Consequential amendments
- Schedule 1 – Vested land
- Schedule 2 – Consequential amendments



# UNIVERSITY OF TASMANIA (PROTECTION OF LAND) BILL 2024

*(Brought in by the Minister for the Arts, the Honourable Madeleine Ruth Ogilvie)*

## A BILL FOR

**An Act to ensure that certain land vested in the University of Tasmania is not disposed of without the prior approval of both Houses of Parliament and to consequentially amend the *University of Tasmania Act 1992***

Be it enacted by Her 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 *University of Tasmania (Protection of Land) Act 2024*.

### 2. Commencement

This Act is taken to have commenced on 14 May 2024.

### 3. Interpretation

In this Act, unless the contrary intention appears –

***commencement day*** means the day on which this Act is taken to have commenced;

*University of Tasmania (Protection of Land) Act 2024*  
*Act No. of 2024*

s. 3

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***dispose*** includes the following:

- (a) sell, barter or exchange;
- (b) deal in or agree to sell;
- (c) offer for sale;
- (d) supply for sale, or dispose of, in expectation of receiving payment, or consideration, for the ownership of the land;
- (e) receive for sale;
- (f) dispose of by way of raffle, lottery or other game of chance;
- (g) offer as a gift, prize or reward;
- (h) give away for any purpose;
- (i) lease for a term of not less than 99 years;

***University*** has the same meaning as in the *University of Tasmania Act 1992*;

***University land*** has the same meaning as in the *University of Tasmania Act 1992*;

***vested land*** means –

- (a) the land specified in Schedule 1 that is owned by the University on the commencement day; and

- (b) such land as is prescribed as vested land for the purposes of this Act.

**4. Parliamentary approval required to dispose of certain University land**

- (1) On and after the commencement day, the University must not dispose of all, or any part, of the vested land unless the disposal has been first approved by each House of Parliament.
- (2) If the University wishes to dispose of all, or any part, of the vested land –
  - (a) the University –
    - (i) may request that the Minister table a motion under this section in respect of the disposal of the land; and
    - (ii) is to provide the Minister with a draft motion that meets the requirements of subsection (4); and
  - (b) if the Minister is satisfied that the motion provided under paragraph (a)(ii) meets the requirements of subsection (4), the Minister is to table the motion in each House of Parliament as soon as practicable.
- (3) For the purposes of this section, a House of Parliament is taken to have approved the

*University of Tasmania (Protection of Land) Act 2024*  
*Act No. of 2024*

s. 4

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disposal of all, or any part, of the vested land if a motion (the *disposal motion*), that meets the requirements of subsection (4), has been laid on the table of the House and –

- (a) the disposal motion is approved by the House; or
  - (b) at the expiration of 10 sitting-days after the same motion was laid on the table of the House, no notice has been given of a motion to disallow it or, if such notice has been given, the notice has been withdrawn or the motion has been negatived; or
  - (c) if a notice of motion to disallow the disposal motion is given during that period of 10 sitting-days, the notice of motion to disallow it is, after the expiration of that period, withdrawn or the motion is negatived.
- (4) A motion to approve the disposal of vested land that is to be tabled under subsection (3) –
- (a) must include –
    - (i) a clear description, or plan, of the area of vested land that the University proposes to dispose of; and
    - (ii) if the disposal of the land is by lease, details of the term of the lease; and

- (iii) details of the amount of payment or consideration, or any other benefits, that the University is to receive if the disposal of the vested land is approved as required under this section; and
- (b) may include such other information as the University considers relevant to the disposal of the proposed area of vested land.

## **5. Minister may protect land with caveat**

- (1) In this section –

***Recorder*** has the same meaning as in the *Land Titles Act 1980*.

- (2) If the Minister considers it appropriate in the circumstances, the Minister may cause a notification to be lodged with the Recorder, in a form approved by the Recorder, stating that the disposal of the land specified in the notification is affected by this Act.
- (3) A notification lodged with the Recorder under subsection (2) –
- (a) operates as a caveat lodged under the *Land Titles Act 1980* forbidding the University from disposing of the land other than in accordance with this Act; and

*University of Tasmania (Protection of Land) Act 2024*  
*Act No. of 2024*

**s. 6**

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(b) remains in force until whichever of the following occurs first:

(i) the University provides the Recorder with evidence, to the satisfaction of the Recorder, that the proposed disposal of the land has been approved as required under this Act;

(ii) the Minister lodges a notification with the Recorder, in a form approved by the Recorder, stating that the notification lodged with the Recorder under subsection (2) is withdrawn.

(4) Sections 133(3)(b) and 136 of the *Land Titles Act 1980* do not apply to a notification lodged with the Recorder under subsection (2).

(5) No fee is payable under the *Land Titles Act 1980* in respect of a notification of the Minister lodged with the Recorder under this section.

**6. Application of Act to leases and agreements for sale**

(1) A transaction or agreement to lease, sell, or otherwise dispose of, vested land, other than in accordance with this Act, is void if the transaction or agreement is entered into on or after the commencement day.

(2) For the avoidance of doubt, subsection (1) applies to a transaction or agreement that is entered into on or after the commencement day



but before the day on which this Act receives the Royal Assent.

- (3) If a transaction or agreement that is entered into on or after the commencement day but before the day on which this Act receives the Royal Assent is void by virtue of this section and –
- (a) any deposit paid by a party to such a transaction or agreement is to be returned to that party; and
  - (b) no remedy, or breach or default of contract, may be claimed solely on the basis that the transaction or agreement is void by virtue of this section.

## **7. Regulations**

- (1) The Governor may make regulations for the purposes of this Act.
- (2) Regulations made under this section may take effect on and from the commencement day or a later day as specified in the regulations.

## **8. 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 Education; and

*University of Tasmania (Protection of Land) Act 2024*  
*Act No. of 2024*

s. 9

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- (b) the department responsible to the Minister for Education in relation to the administration of this Act is the Department for Education, Children and Young People.

**9. Consequential amendments**

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

**SCHEDULE 1 – VESTED LAND**

Section 3

Such part of the University land that falls within the descriptions of the following folios of the Register kept under section 33 of the *Land Titles Act 1980*:

- (a) Volume 176312, Folio 1;
- (b) Volume 167420, Folio 1.

*University of Tasmania (Protection of Land) Act 2024*  
*Act No. of 2024*

**sch. 2**

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**SCHEDULE 2 – CONSEQUENTIAL AMENDMENTS**

Section 9

***University of Tasmania Act 1992***

1. Section 7(1)(a) is amended by omitting “to acquire” and substituting “subject to the *University of Tasmania (Protection of Land) Act 2024*, to acquire”.
2. Section 26 is amended as follows:
  - (a) by renumbering the text of the section as subsection (1);
  - (b) by inserting the following subsection after subsection (1):
    - (2) Subsection (1) does not prevent a restriction in the *University of Tasmania (Protection of Land) Act 2024* from applying to the lease, sale, or disposal, of land specified in Schedule 3.