

CLAUSE NOTES

Macquarie Point Development Corporation Amendment Bill 2015

- Clause 1** Short title.
- Clause 2** Provides that the Bill, if passed, will commence on a date to be proclaimed.
- Clause 3** Provides that the Principal Act amended by the Bill is the *Macquarie Point Development Corporation Act 2012* (referred to in these clause notes as 'the Act').
- Clause 4** Amends section 3 of the Act by inserting a new definition.

'Register' means the register of title to land referred to in section 33 of the *Land Titles Act 1980*. This phrase will be inserted into section 3(1) after the definition of 'partner'.
- Clause 5** Amends the heading to Part 5 of the Act by:

Replacing "Directions and Plans" with "Directions, Plans, Property Instruments and Remediation".
- Clause 6** Inserts a heading to Part 5, Division 1 of the Act:

"Division 1 – Directions and plans"
- Clause 7** Inserts Part 5, Division 2 into the Act:

Section 39A confirms that the corporation is a public authority for the purpose of sections 90A and 90AB of the *Conveyancing and Law of Property Act 1884*.

Section 39B enables the corporation or the Minister to enter into covenants and agreements affecting the site and requires the Recorder of Titles to record those agreements or covenants against relevant certificates of title if directed to do so by the corporation or Minister. The benefits and burdens of a covenant or agreement will run with the land.

Section 39C enables the corporation or the Minister to amend or extinguish any earlier covenant or agreement entered into under section 39B. The Recorder of Titles is to alter the relevant certificates of title to reflect those amendments or extinguishments if directed to do so by the corporation or Minister.

Section 39D confirms that no compensation is payable by the corporation or Crown in respect of any action taken under sections 39B or 39C.

Section 39E clarifies that the powers under sections 39B and 39C are

additional to other powers under Tasmanian Acts or laws dealing with land or to alter or otherwise deal with the Register, and do not replace them.

Section 39F requires that remediation of any part of the site may not occur until an accredited environmental auditor has certified that the respective part of the site has been remediated to a standard satisfactory for the purposes of the proposed redevelopment. The Director of the Environment Protection Authority will provide the necessary accreditation and determine the conditions required for an instrument of accreditation to be granted. The Director may also revoke the accreditation of an environmental auditor if the conditions have not been complied with.

Clause 8

This is a standard clause repealing the Amendment Bill, as the substance of the Bill is incorporated into the relevant Act on commencement.