

CLAUSE NOTES

University of Tasmania (Protection of Land) Bill 2024

Clause 1 Short Title

This specifies the name of the proposed Act.

Clause 2 Commencement

This provides that the Act commences on 14 May 2024.

Clause 3 Interpretation

This provides for interpretation of key words in the Act, including 'commencement day', 'dispose', 'University', 'University land', and 'vested land'. The term 'dispose' includes, among other things, to sell or to lease for a term of not less than 99 years.

Clause 4 Parliamentary approval required to dispose of certain University land

This clause provides that if the University wishes to dispose of all or any part of the vested land it may request the Minister table a motion in Parliament under this section. It also provides the mechanism for doing so and the process for approving or denying such a motion.

The term 'may' is intentionally used in S4 (2) (a) (i) of this clause to allow for any informal approach the Minister may choose to have prior to tabling the motion.

Clause 5 Minister may protect land with caveat

This clause provides that the Minister can request the *Recorder* of land titles to enter a caveat forbidding the University from disposing land other than in accordance with this Act.

In a future state the existence of this Act may be inadvertently overlooked, the power to protect the land with a caveat allows the Minister the opportunity to ensure the Title of the land reminds future parties of the requirements under the Act.

Clause 6 Application of Act to leases and agreements for sale

This clause provides that any transaction or agreement to lease, sell or otherwise dispose of the vested land, other than those done in accordance with the Act, is void if it was entered into after commencement day.

Clause 7 Regulations

This clause allows the Governor to make regulations for the purposes of this Act.

Clause 8 Administration of the Act

This clause provides that the Administration of the Act is to be under the Minister for Education, with the responsible Department being the Department for Education, Children and Young People, until such a time as the *Administrative Arrangements* provide for the Act.

Clause 9 Consequential amendments

This clause provides that the legislation in Schedule 2 (the *University of Tasmania Act 1992*) is to be amended as specified.

Schedule 1 – Vested Land

Section 3

This schedule details the land the Act applies to.

Schedule 2 – Consequential Amendments

Part 1

This schedule provides that the University powers under Section 7(1)(a) of the *University of Tasmania Act 1992* are subject to the provisions of the *University of Tasmania (Protection of Land) Act 2024*.

Part 2

This schedule inserts a subsection into Section 26 of the *University of Tasmania Act 1992* that provides that subsection (1) of that Act does not prevent the *University of Tasmania (Protection of Land) Act 2024* from applying to any lease, sale or disposal of land specified in Schedule 3 of that Act.