

TASMANIA

**THEATRE ROYAL PRECINCT
REDEVELOPMENT BILL 2016**

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THEATRE ROYAL PRECINCT REDEVELOPMENT BILL 2016

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.

SHANE DONNELLY, *Clerk of the House*
5 May 2016

*(Brought in by the Minister for Environment, Parks and
Heritage, the Honourable Matthew Guy Groom)*

A BILL FOR

An Act to facilitate the further development and operation of the Theatre Royal and to facilitate, for the furtherance by the University of Tasmania of the performing arts and creative industries, certain development adjacent to the Theatre Royal, to amend the *Theatre Royal Management Act 1986*, and for related purposes

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:

PART 1 – PRELIMINARY

1. Short title

This Act may be cited as the *Theatre Royal Precinct Redevelopment Act 2016*.

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Part 1 – Preliminary

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 –

acquired council land means the land referred to in section 16(1);

airspace title means a title, in relation to airspace, created in accordance with section 25;

binding agreement means –

- (a) an agreement, transaction, arrangement, undertaking, deed, lease, sub-lease, licence, tenancy arrangement, trust, mortgage, warranty or contract; and
- (b) part of an agreement, transaction, arrangement, undertaking, deed, lease, sub-lease, licence, tenancy arrangement, trust, mortgage, warranty or contract; and
- (c) any oral agreement, between the Board and the Minister (or the originating Minister or the Crown), that relates to the Theatre Royal;

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Board has the same meaning as it has in the
Theatre Royal Management Act 1986;

body corporate means the body corporate,
within the meaning of the *Strata Titles*
Act 1998, in relation to the registered
strata plan;

by-laws means the by-laws that apply, under
the *Strata Titles Act 1998*, in relation to
the registered strata plan and includes
any by-law included, by virtue of
section 32(1), in such by-laws;

commencement day means the day on which
this Act commences;

common property means the common
property, within the meaning of the
Strata Titles Act 1998, in respect of the
registered strata plan;

Development Agreement means the
Development Agreement referred to in
section 5, as the Development Agreement
is varied, if at all, by a supplementary
agreement;

Development limitation –

- (a) means a limitation created or
imposed by or under the
Development Agreement or a
supplementary agreement; and
- (b) includes a relevant pre-existing
limitation;

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Development right –

- (a) means a right created or conferred by or under the Development Agreement or a supplementary agreement; and
- (b) includes a relevant pre-existing right;

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

front-of-house common property means the common property –

- (a) to which the registered strata plan relates; and
- (b) that is within the area shown, on the registered strata plan, as the front-of-house common property;

highway includes part of a highway;

limitation, in relation to land –

- (a) means any trust, reservation, restriction, exception, encumbrance, limitation, estate, or interest, in or in relation to the land, however created or imposed, including by virtue of a sealed plan; and

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-
- (b) includes any highway, right-of way, footpath or road reserve;

lot means a lot, within the meaning of the *Strata Titles Act 1998*, shown on the registered strata plan;

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

originating Minister means the Minister who was, immediately before the commencement day, responsible for the administration of the *Crown Lands Act 1976*;

owner, in relation to a lot, has the same meaning as it has in the *Strata Titles Act 1998*;

pre-development adjoining Crown land means the land referred to in section 13(1);

preliminary strata plan means the plan designated in the Development Agreement as the preliminary strata plan, as the plan is, before or after the commencement day, varied, if at all, by a supplementary agreement;

preserved limitation means any limitation –

- (a) that is a Development limitation;
or

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- (b) to which an order under section 23(1) relates;

preserved right means any right –

- (a) that is a Development right; or
- (b) to which an order under section 23(2) relates;

project site means the area of land comprised of –

- (a) the Theatre Royal pre-development land; and
- (b) the acquired council land; and
- (c) the pre-development adjoining Crown land; and
- (d) the right-of-way land; and
- (e) any area of land that is declared in an order under section 22 to be part of the project site –

and includes any airspace to which an airspace title relates but, if a title, or airspace title, is issued in relation to a part of the land, or an airspace, in accordance with a direction under section 27(3), does not include the land or airspace to which that title relates;

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

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Register means the register of title kept under section 33 of the *Land Titles Act 1980*;

registered strata plan means the strata plan, relating to all or part of the land comprised in the project site, that is, in accordance with the Development Agreement, registered under the *Strata Titles Act 1998*, as that plan is varied, if at all, under that Act;

reinstatement scheme has the same meaning as in the *Strata Titles Act 1998*;

relevant early works licence means the licence granted on 4 September 2015 by the University and the originating Minister;

relevant pre-existing limitation means any limitation that –

- (a) is created, imposed, or granted, by a binding agreement entered into, before the commencement day, by –
 - (i) the originating Minister and the Board; or
 - (ii) the originating Minister and the University; or
 - (iii) the originating Minister, the Board and the University; and

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- (b) relates to all or part of the project site –

and includes any limitation created, imposed, or granted, by the relevant early works licence;

relevant pre-existing right means any right that –

- (a) is created, conferred, or granted, by a binding agreement entered into, before the commencement day, by –

- (i) the originating Minister and the Board; or

- (ii) the originating Minister and the University; or

- (iii) the originating Minister, the Board and the University; and

- (b) relates to all or part of the project site –

and includes any right created, conferred, or granted, by the relevant early works licence;

right includes a right, interest, power, remedy, discretion or authority;

right-of-way land means the land referred to in section 19(1);

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sealed plan has the same meaning as in the *Local Government (Building and Miscellaneous Provisions) Act 1993*;

Secretary means the Secretary of the Department responsible for the administration of the *Crown Lands Act 1976*;

site means the site, within the meaning of the *Strata Titles Act 1998*, to which the registered strata plan relates;

strata plan has the same meaning as in the *Strata Titles Act 1998*;

Studio Theatre lot means the lot shown, on the registered strata plan, as the Studio Theatre or as Lot 3;

supplementary agreement means a binding agreement that –

(a) is entered into by –

- (i) the Minister (or the originating Minister or the Crown), the University and the Board; or
- (ii) the Minister (or the originating Minister or the Crown) and the University; or
- (iii) the University and the Board; or

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- (iv) any of the persons or entities referred to in subparagraph (i), (ii) or (iii) and another person or entity; and

(b) directly or indirectly –

- (i) varies or relates to the Development Agreement; or
- (ii) varies or relates to another supplementary agreement –

and includes a supplementary agreement to which section 5(2) relates;

surrender day means the day on which occurs the surrender, of the right-of-way land, referred to in section 21(1);

tenancy arrangement includes any tenancy arrangement that arises by operation of law;

Theatre Royal building means the building, as constructed from time to time, known as the Theatre Royal;

Theatre Royal lot means the lot shown, on the registered strata plan, as the Theatre Royal or as Lot 1;

Theatre Royal management area –

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-
- (a) before the registration under the *Strata Titles Act 1998* of the registered strata plan – means the Theatre Royal pre-development land; and
 - (b) after the registration under the *Strata Titles Act 1998* of the registered strata plan and before paragraph (c) applies, if at all, means –
 - (i) the Theatre Royal lot; and
 - (ii) the front-of-house common property; and
 - (c) after the Crown leases the Studio Theatre lot from the University, if at all, means –
 - (i) the Theatre Royal lot; and
 - (ii) the Studio Theatre lot; and
 - (iii) the front-of-house common property;

Theatre Royal pre-development land means the land referred to in section 10(1);

unit entitlement has the same meaning as it has in the *Strata Titles Act 1998*;

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

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UTAS lot means the lot shown, on the registered strata plan, as the University of Tasmania or as Lot 2;

Valuer-General means the Valuer-General appointed under the *Valuation of Land Act 2001*;

vary includes amend, revoke or substitute.

4. Act binds Crown

This Act binds the Crown in right of Tasmania and, so far as the legislative power of Parliament permits, in all its other capacities.

PART 2 – DEVELOPMENT AGREEMENT

Division 1 – Ratification and variation of certain agreements

5. Ratification of Development Agreement and supplementary agreement

(1) The agreement, entitled “Theatre Royal Redevelopment and University of Tasmania Creative Industries and Performing Arts Project Development Agreement”, that was made, by deed dated 1 February 2016, between –

- (a) the originating Minister; and
- (b) the University; and
- (c) the Board –

is ratified by this subsection.

(2) A supplementary agreement that is made before the commencement day between the originating Minister (or the Crown), and another party, is ratified by this subsection.

6. Supplementary agreements

(1) Subsection (2) applies in relation to a supplementary agreement if –

- (a) the supplementary agreement varies the preliminary strata plan; and
- (b) the preliminary strata plan, as so varied, may, in the opinion of the Board,

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Part 2 – Development Agreement

adversely affect the operation of the
Theatre Royal.

- (2) If this subsection applies in relation to a supplementary agreement, the Minister is to lay before both Houses of Parliament –
- (a) a copy of the preliminary strata plan as varied in accordance with the supplementary agreement; and
 - (b) a document stating that the Minister, and the Minister responsible for the *Theatre Royal Management Act 1986*, approve of the supplementary agreement; and
 - (c) a statement from the Minister setting out the reasons for the supplementary agreement.

***Division 2 – Performance of obligations, &c., under
Development Agreement***

7. Powers, &c., of Minister in relation to Development Agreement, &c.

Despite any provision of the *Crown Lands Act 1976*, the *Land Acquisition Act 1993* or the *Theatre Royal Management Act 1986*, the Minister may –

- (a) enter into a supplementary agreement; and
- (b) perform any of the Minister’s obligations under the Development Agreement or a supplementary agreement; and

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-
- (c) exercise any Development right of the Minister.

8. Powers, &c., of University in relation to Development Agreement, &c.

Despite any provision of the *University of Tasmania Act 1992*, the University may –

- (a) enter into a supplementary agreement; and
- (b) perform any of the University's obligations under the Development Agreement or a supplementary agreement; and
- (c) exercise any Development right of the University.

9. Powers, &c., of Board in relation to Development Agreement, &c.

Despite any provision of the *Theatre Royal Management Act 1986*, the Board may –

- (a) enter into a supplementary agreement; and
- (b) perform any of the Board's obligations under the Development Agreement or a supplementary agreement; and
- (c) exercise any Development right of the Board.

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Part 3 – Consolidation of Project Site

PART 3 – CONSOLIDATION OF PROJECT SITE

Division 1 – Theatre Royal pre-development land

10. Correction of boundaries of Theatre Royal pre-development land

- (1) For the purposes of this Act, the Theatre Royal pre-development land comprises all that area of land shown as Lot 1, and bounded by a thick black line, on Plan 10199 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.

11. Certain parts of Theatre Royal pre-development land vest in Crown

On the commencement day, all land within the Theatre Royal pre-development land that, immediately before that day, is not Crown land, vests in the Crown.

12. Theatre Royal pre-development land freed from limitations, &c.

- (1) On the commencement day, all land within the Theatre Royal pre-development land is freed and discharged from all limitations (other than preserved limitations) that existed, immediately before that day, in relation to all or part of the land within the Theatre Royal pre-development land.

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- (2) On the commencement day, all public and private rights (other than preserved rights) that existed, immediately before that day, in relation to all or part of the land within the Theatre Royal pre-development land, are extinguished.

Division 2 – Pre-development adjoining Crown land

13. Correction of boundaries of pre-development adjoining Crown land

- (1) For the purposes of this Act, the pre-development adjoining Crown land comprises –
- (a) all that area of land shown as Lot 2, and bounded by a thick black line, on Plan 10200 in the Central Plan Register; and
 - (b) all that area of land shown as Lot 3, and bounded by a thick black line, on Plan 10200 in the Central Plan Register; and
 - (c) all that area of land shown as Lot 4, and bounded by a thick black line, on Plan 10200 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 2.

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14. Pre-development adjoining Crown land vests in Crown

On the commencement day, all land within the pre-development adjoining Crown land that, immediately before that day, is not Crown land, vests in the Crown.

15. Pre-development adjoining Crown land freed from limitations, &c.

- (1) On the commencement day, all land within the pre-development adjoining Crown land is freed and discharged from all limitations (other than preserved limitations) that existed, immediately before that day, in relation to all or part of the pre-development adjoining Crown land.
- (2) On the commencement day, all public and private rights (other than preserved rights) that existed, immediately before that day, in relation to all or part of the land within the pre-development adjoining Crown land, are extinguished.

Division 3 – Acquired council land

16. Acquired council land

- (1) For the purposes of this Act, the acquired council land comprises –
 - (a) all that area of land shown as Lot 5, and bounded by a thick black line, on Plan 10200 in the Central Plan Register; and

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-
- (b) all that area of land shown as Lot 6, and bounded by a thick black line, on Plan 10200 in the Central Plan Register; and
 - (c) all that area of land shown as Lot 7, and bounded by a thick black line, on Plan 10200 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 2.

17. Vesting of, and compensation in respect of, acquired council land

- (1) On the surrender day, the acquired council land vests in the Crown.
- (2) The Hobart City Council is entitled to compensation for the vesting under subsection (1) of the acquired council land.
- (3) The Hobart City Council's entitlement to compensation under subsection (2) is extinguished at the end of the period of 6 months commencing on the surrender day, if the Hobart City Council does not lodge, in writing, with the Secretary, a claim for compensation within that period.
- (4) Compensation is the amount agreed, in writing, between the Hobart City Council and the Minister.

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Part 3 – Consolidation of Project Site

- (5) Before agreeing an amount of compensation, the Minister must obtain the approval of the Valuer-General to that amount.
- (6) In determining whether to approve an amount of compensation, the Valuer-General is to apply the same principles, with any necessary modification, as he or she would apply in approving an amount of compensation for the purposes of section 40(8) of the *Land Acquisition Act 1993*.
- (7) If the Hobart City Council and the Minister cannot agree on the amount of compensation, the claim for compensation is to be determined as if it were a disputed claim for compensation under the *Land Acquisition Act 1993* and for that purpose –
 - (a) this section is taken to be a notice of acquisition, within the meaning of that Act, gazetted under section 18 of that Act on the day after the surrender day; and
 - (b) the Crown is the acquiring authority.

18. Acquired council land freed from limitations, &c.

- (1) On the surrender day, all land within the acquired council land is freed and discharged from all limitations (other than preserved limitations) that existed, immediately before that day, in relation to all or part of the land within the acquired council land.

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-
- (2) On the surrender day, all public and private rights (other than preserved rights) that existed, immediately before that day, in relation to all or part of the land within the acquired council land, are extinguished.

Division 4 – Right-of-way land

19. Right-of-way land

- (1) For the purposes of this Act, the right-of-way land comprises all that area of land shown as Lot 8, and bounded by a thick black line, on Plan 10201 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 3.

20. Application of certain easements before surrender day

- (1) The benefiting easement specified in Schedule 2 of folio in the Register Volume 102526, Folio 1, continues to benefit each part of the Theatre Royal pre-development land, and each part of the pre-development adjoining Crown land, that, immediately before the commencement day, was comprised in that folio.
- (2) The benefiting easement specified in Schedule 2 of folio in the Register Volume 102527, Folio 1, continues to benefit each part of the Theatre Royal pre-development land that, immediately

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before the commencement day, was comprised in that folio.

- (3) Without limiting the effect of subsections (1) and (2), the area shown as the footway area on Plan 10199 in the Central Plan Register may be used to provide pedestrian access, and pedestrian egress, between –
 - (a) that part of the Theatre Royal pre-development land that, immediately before the commencement day, was comprised in folio in the Register Volume 102526, Folio 1; and
 - (b) that part of the Theatre Royal pre-development land that, immediately before the commencement day, was comprised in folio in the Register Volume 102527, Folio 1.
- (4) A reduced copy of the plan referred to in subsection (3) is set out, by way of illustration only, in Schedule 1.
- (5) Subsections (1), (2) and (3) cease to apply on and from the surrender day.
- (6) Nothing in this section is to be taken to affect the operation of section 21.

21. Right-of-way land freed from limitations, &c.

- (1) On the day (the *surrender day*) on which the right-of-way land is surrendered to the Crown by the University, all land within the right-of-way

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land is freed and discharged from all limitations (other than preserved limitations) that existed, immediately before that day, in relation to all or part of the right-of-way land.

- (2) On the surrender day, all public and private rights (other than preserved rights) that existed, immediately before that day, in relation to all or part of the land within the right-of-way land, are extinguished.

Division 5 – Additional Crown land

22. Crown land may be included in project site

- (1) The Minister, by order, may declare to be part of the project site –
- (a) an area of Crown land, specified in the order, that adjoins the project site; or
 - (b) an area of land, vested in the Hobart City Council, on which part of a building, or structure, erected under, or purportedly under, the Development Agreement, is situated.
- (2) On the day on which an area of land, that is, immediately before the operation of this subsection, vested in the Hobart City Council, is declared under subsection (1) to be part of the project site, the area of land vests in the Crown.
- (3) On the day on which an area of land is declared under subsection (1) to be part of the project site, all land within the area of land is freed and

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discharged from all limitations (other than preserved limitations) that existed, immediately before that day, in relation to all or part of the land.

- (4) On the day on which an area of land is declared under subsection (1) to be part of the project site, all public and private rights (other than preserved rights) that existed, immediately before that day, in relation to all or part of the land within the area of land, are extinguished.
- (5) Section 17 applies in relation to an area of land that vests in the Crown under subsection (2) as if the land were vested in the Crown under section 17(1).
- (6) An amount of compensation payable to the Hobart City Council under section 17 by virtue of the operation of subsection (5) in relation to an area of land may be recovered by the Crown from the University as a debt due and payable.
- (7) An order under this section –
 - (a) is not a statutory rule for the purposes of the *Rules Publication Act 1953*; and
 - (b) is not subordinate legislation for the purposes of the *Subordinate Legislation Act 1992*.

***Division 6 – Exclusion of certain limitations and rights from
operation of this Part***

**23. Minister may declare certain limitations and rights
not to be extinguished**

- (1) The Minister, by order, may declare that a limitation that relates to all or part of the land that is, or is to be, within –

- (a) the project site; or
- (b) land adjoining the project site –

is a preserved limitation for the purposes of this Act.

- (2) The Minister, by order, may declare that a right that relates to all or part of the land that is, or is to be, within –

- (a) the project site; or
- (b) land adjoining the project site –

is a preserved right for the purposes of this Act.

- (3) An order may be made under this section even though the effect, under this Part, of the order is to –

- (a) cause to exist a right that has been extinguished under this Act; or
- (b) re-impose a limitation from which land has been freed under this Act –

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and where an order has such an effect, the right and limitation resume existence, or are re-imposed, by virtue of this section, on and from a date specified, in relation to the right or limitation, in the order.

- (4) A date specified, for the purposes of subsection (3), in an order may be a date before or after the date on which the order is made.
- (5) An order under this section –
 - (a) is not a statutory rule for the purposes of the *Rules Publication Act 1953*; and
 - (b) is not subordinate legislation for the purposes of the *Subordinate Legislation Act 1992*.

**PART 4 – LAND AND AIRSPACE TITLES IN
RELATION TO CERTAIN LAND**

**24. Titles may be created in relation to project site and
airspace**

- (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* in relation to –
 - (a) all or part of the land that is, or is to be, within the project site, including strata titles and titles to areas of land above or below the surface of land; and
 - (b) airspace, referred to in section 25(1), that is, or is to be, within the project site or is situated above land that adjoins the land that is, or is to be, the project site.
- (2) Subsection (1) does not apply to the right-of-way land, or the acquired council land, until the day after the surrender day.
- (3) 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 or airspace referred to in subsection (1)(a) or (b).
- (4) The Minister, in writing, may direct the Recorder of Titles to create, re-arrange or extinguish any folio of the Register in relation to land or airspace referred to in subsection (1)(a) or (b).

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- (5) On receiving a direction under subsection (4), the Recorder of Titles is to create, re-arrange or extinguish a folio of the Register as he or she considers appropriate.

25. Airspace titles may be created

- (1) Without limiting the generality of section 24 and section 27 and despite anything in the *Local Government (Highways) Act 1982* –

- (a) a title relating in whole or in part to airspace that is situated above all or part of the land that –

(i) is, or is to be, within the project site; or

(ii) adjoins the land that is, or is to be, within the project site –

may be created by the Recorder of Titles in accordance with section 24 or 27; and

- (b) a direction may be given under either section 24 or 27 in relation to the creation of such a title –

for the relevant purpose.

- (2) For the purposes of subsection (1), the relevant purpose is so as to enable any part of a structure, that is to be situated in whole or in part on the land that is, or is to be, within the project site, to overhang another area of land (whether within or outside any land within the project site) that is a highway, if the part of the structure is to

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overhang the highway by more than the prescribed height.

- (3) For the purposes of subsections (1) and (2), a part of a structure is to overhang a highway by more than the prescribed height if –
- (a) where the highway is a footway – the part of the structure is to be more than 2.4 metres above the footway; or
 - (b) where the highway is a carriageway – the part of the structure is to be more than 4.25 metres above the carriageway.
- (4) Any estate or interest created by an airspace title vests in the Crown but may be disposed of by the Crown at any time –
- (a) for the purposes of the Development Agreement; or
 - (b) if the Minister is satisfied that the Development Agreement has been terminated, rescinded or abandoned.
- (5) If an airspace title is created in relation to airspace that is situated above land that, immediately before the creation of the title –
- (a) was vested in the Hobart City Council; and
 - (b) was land on which a highway is situated –

section 17 applies in relation to all the estates and interests that vest in the Crown under

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subsection (4) as if those estates and interests were land vested in the Crown under section 17(1).

- (6) An amount of compensation payable to the Hobart City Council under section 17 by virtue of the operation of subsection (5) in relation to an airspace title may be recovered by the Crown from the University as a debt due and payable.

26. Adjustment of affected titles

- (1) The Minister and the Director-General of Lands may do all things necessary or convenient for the purposes of creating, amending or extinguishing titles under the *Land Titles Act 1980* in relation to land that is affected, directly or indirectly, by the operation of a provision of Part 3 or this Part, including by the creation under section 25 of an airspace title in relation to the land or other land.
- (2) Without limiting the generality of subsection (1) –
- (a) applications may be made to the Recorder of Titles under section 27A of the *Land Titles Act 1980* in relation to land referred to in subsection (1); and
 - (b) a title may be created, amended or extinguished in order to adjust the height to which extends a right of way that is situated below an airspace to which an airspace title created under section 25 relates.

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- (3) The Minister, in writing, may direct the Recorder of Titles to create, amend, re-arrange or extinguish any folio of the Register in relation to land referred to in subsection (1).
- (4) On receiving a direction under subsection (3), the Recorder of Titles is to create, amend, re-arrange or extinguish a folio of the Register as he or she considers appropriate.

27. Establishment of single title

- (1) This section applies if the Minister is satisfied that the Recorder of Titles has, in relation to –
 - (a) all or part of the land within the project site; and
 - (b) airspace to which section 25 applies –taken all actions under section 24 that are necessary or convenient to enable a title that relates to all or part of such land, and airspaces, to be created under the *Land Titles Act 1980* in accordance with a direction of the Minister under subsection (2).
- (2) If this section applies, the Minister may direct the Recorder of Titles to issue a single title under the *Land Titles Act 1980* that will encompass –
 - (a) all or part of the land within the project site; and
 - (b) all or some of the existing airspace titles.

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- (3) If the Minister directs the Recorder of Titles to issue a single title under subsection (2) in relation to –
- (a) part only of the land within the project site; or
 - (b) only some of the existing airspace titles –
- the Minister may direct the Recorder of Titles to issue a title in relation to either or both of the following:
- (c) any part of the land within the project site that is not land to which the single title relates;
 - (d) any airspace that is not airspace to which the single title relates.
- (4) On receiving a direction under subsection (2) or (3), the Recorder of Titles is to create, re-arrange or extinguish a folio of the Register as he or she considers appropriate.

28. Notice in relation to project may be placed on Register

- (1) The Minister may direct the Recorder of Titles to place on the Register a notice advising that this Act applies in relation to –
- (a) all or part of the land that is, or is to be, within the project site; or
 - (b) an airspace title.

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- (2) On receiving a direction under subsection (1), the Recorder of Titles is to place on the Register a notice in accordance with the direction.
 - (3) The Minister may direct the Recorder of Titles to amend or remove a notice placed on the Register in accordance with subsection (2).
 - (4) On receiving a direction under subsection (3), the Recorder of Titles is to amend or remove, in accordance with the direction, the notice placed on the Register in accordance with subsection (2).

29. Creation of easements

- (1) The Minister may create, in relation to any part of the project site, any easements the Minister considers to be appropriate.
- (2) Without limiting the power of the Minister under subsection (1), the Minister may create easements for the purposes of –
 - (a) granting appropriate access to all or part of the Theatre Royal pre-development land, the Theatre Royal lot or the project site; or
 - (b) enabling access to any part of the Theatre Royal building; or
 - (c) infrastructure and services at, on, under or over the project site.
- (3) The Minister, in writing, may direct the Recorder of Titles to record, on the folio of the

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Register relating to land which is the subject of the easement, an easement created under this section.

- (4) On receiving a direction under subsection (3), the Recorder of Titles is to record the easement, as he or she considers appropriate, on the relevant folio of the Register.

**PART 5 – STRATA TITLE DEVELOPMENT OF
PROJECT SITE**

30. Application of *Strata Titles Act 1998*

- (1) A strata plan in relation to all or part of the project site may be registered under the *Strata Titles Act 1998* even if any foundations of a building on the project site are not within the boundaries shown on the plan or extend under any adjoining highway.
- (2) Section 5(4) of the *Strata Titles Act 1998* does not apply in relation to a strata plan that is proposed to be the registered strata plan.
- (3) Sections 95 and 96 of the *Strata Titles Act 1998* are, in so far as those provisions apply to the registered strata plan or the body corporate, to be taken to include, in each provision in which a reference is made to a body corporate, a reference to an owner of a lot.

31. Parliamentary approval of certain amendments of registered strata plan and reinstatement schemes

- (1) Despite any provision of the *Strata Titles Act 1998* –
 - (a) a variation, to the registered strata plan, that –
 - (i) materially affects, whether vertically, horizontally or otherwise, the dimensions of the Theatre Royal lot; or

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- (ii) changes the unit entitlement of any lots on the registered strata plan –

may not be registered under the *Strata Titles Act 1998* unless the proposed variation has been approved by both Houses of Parliament; and

- (b) a proposed reinstatement scheme that is, under section 32 of the *Strata Titles Act 1998*, proposed to be approved in respect of the site may not be approved under that Act unless the scheme has been approved by both Houses of Parliament.
- (2) The Minister may lay before both Houses of Parliament a copy of –
- (a) a proposed variation of the registered strata plan; or
 - (b) a proposed reinstatement scheme to which subsection (1)(b) relates.
- (3) For the purposes of this section, a House of Parliament is taken to have approved a proposed variation of the registered strata plan, or a proposed reinstatement scheme, if a copy of the proposed variation or scheme has been laid on the table of that House and –
- (a) the proposed variation or scheme is approved by that House; or
 - (b) by the expiration of 5 sitting-days after the copy of the proposed variation or

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scheme was laid on the table of that House –

- (i) no notice has been given of a motion to disallow the proposed variation or scheme; or
- (ii) if such notice has been given, the notice has been withdrawn or the motion has been negated; or
- (c) if a notice of a motion to disallow the proposed variation or scheme has been given but not withdrawn or negated during that period of 5 sitting-days, the notice is withdrawn or the motion is negated after the expiration of that period.

32. By-laws under *Strata Titles Act 1998*

- (1) Despite any provision of the *Strata Titles Act 1998*, there may be included in the by-laws under that Act by-laws, in relation to the registered strata plan, about –
 - (a) meetings of the body corporate; and
 - (b) voting at meetings of the body corporate; and
 - (c) the administration and management of the body corporate; and
 - (d) the establishment, membership, and removal of members of, a committee of management for the purposes of the

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Strata Titles Act 1998, and the
administration and management of such
a committee; and

- (e) the allocation between unit holders of
body corporate expenses; and
- (f) the naming of, or the granting of naming
rights in relation to, any building, or
structure, situated on the site; and
- (g) the making of any sponsorship
arrangement that affects or relates to all
or part of the site; and
- (h) the use and enjoyment of the lots and the
common property; and
- (i) maintenance and repairs to, and
replacement of, any buildings or other
improvements on the site; and
- (j) the arbitration or mediation, or both, of
disputes between the owners of lots or
the occupiers of lots; and
- (k) the administration, management and
control of the front-of-house common
property; and
- (l) the granting of licences to use, the
distribution of income from, and the
allocation of expenses in relation to, the
front-of-house common property; and
- (m) the erection of hoardings or signage; and

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- (n) any requirements in relation to insurance, required to be held by the body corporate, in respect of the buildings, and other improvements, situated, or to be situated, on the site.
 - (2) The first by-laws, in relation to the registered strata plan, under the *Strata Titles Act 1998* must be the by-laws that are agreed to by the Minister and the University for the purposes of the Development Agreement.
 - (3) If a provision of a by-law that, pursuant to this section, may be included in the by-laws, is inconsistent with a provision of the *Strata Titles Act 1998*, the provision of the by-law prevails to the extent of the inconsistency with the provision of that Act.
 - (4) Section 91(3)(a), (b) and (d) of the *Strata Titles Act 1998* does not apply in relation to any of the by-laws.
 - (5) Despite any provision of the *Strata Titles Act 1998*, the by-laws may only be varied, in whole or in part, if –
 - (a) the proposed variation has been agreed to by a resolution of all the owners of all lots created by the registered strata plan; and
 - (b) a copy of the proposed variation has been laid before both Houses of Parliament and the proposed variation has been approved by both Houses.

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- (6) The Minister may lay before both Houses of Parliament a copy of a proposed variation of the by-laws.
- (7) For the purposes of this section, a House of Parliament is taken to have approved a proposed variation of the by-laws if a copy of the proposed variation has been laid on the table of that House and –
 - (a) the proposed variation is approved by that House; or
 - (b) by the expiration of 5 sitting-days after the copy of the proposed variation was laid on the table of that House –
 - (i) no notice has been given of a motion to disallow the proposed variation; or
 - (ii) if such notice has been given, the notice has been withdrawn or the motion has been negatived; or
 - (c) if a notice of a motion to disallow the proposed variation has been given but not withdrawn or negatived during that period of 5 sitting-days, the notice is withdrawn or the motion is negatived after the expiration of that period.

33. Voting entitlement

- (1) Despite any provision of the *Strata Titles Act 1998* –

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- (a) the Crown and the University are to have equal voting entitlements at any meeting of the body corporate; and
 - (b) in relation to the body corporate, a reference in that Act to any ***unanimous resolution*** of a body corporate means a resolution passed at a duly convened meeting of the members of the body corporate to which all lot owners have agreed, whether at the meeting, or later, as allowed by that Act.
 - (2) Despite any provision of the *Strata Titles Act 1998*, a change to the by-laws may only be made by a resolution –
 - (a) that is agreed to by all the owners of the lots; and
 - (b) that is not a resolution in respect of a proposed variation of the by-laws that is disallowed under section 32.

34. Fund to be kept by body corporate

Despite section 82 of the *Strata Titles Act 1998*, the fund that the body corporate is required to maintain in accordance with that section is not required to provide for future capital expenditure.

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Part 5 – Strata Title Development of Project Site

35. Dispute resolution under *Strata Titles Act 1998*

Part 9 of the *Strata Titles Act 1998* does not apply in relation to any matter arising from, or relating to –

- (a) the registered strata plan; or
- (b) the by-laws; or
- (c) a lot shown on the registered strata plan.

**PART 6 – DISPUTE RESOLUTION IN RELATION TO
REGISTERED STRATA PLAN**

Division 1 – Interpretation

36. Interpretation of Part 6

In this Part –

Appeal Tribunal means the Resource Management and Planning Appeal Tribunal established under the *Resource Management and Planning Appeal Tribunal Act 1993*;

applicant means a person who makes an application;

application means an application under section 37(1);

party, in relation to an application, means –

- (a) the applicant; and
- (b) the body corporate; and
- (c) any other person who is made a party to the application under section 39(2).

Division 2 – Applications

37. Right to make application

- (1) An owner of a lot may apply to the Appeal Tribunal if the owner is of the opinion that –

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- (a) a person has contravened or failed to comply with a provision, of the *Strata Titles Act 1998* or this Act, that applies in relation to a lot or the common property; or
- (b) a person has contravened or failed to comply with a provision of the by-laws; or
- (c) the body corporate has unreasonably failed to implement a proposal by an owner of a lot –
 - (i) for repairing damage to the common property or other property of the body corporate; or
 - (ii) for making an alteration to the common property; or
- (d) an acquisition, or proposed acquisition, of personal property by the body corporate is unreasonable; or
- (e) the amount for which the body corporate has taken out insurance is unreasonable; or
- (f) the owner ought to be reimbursed for the cost of taking out or maintaining insurance following a breach by the body corporate of its obligation under the *Strata Titles Act 1998* to take out and maintain insurance; or

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- (g) the body corporate has unreasonably refused to make or pursue an insurance claim in respect of property insured by the body corporate; or
 - (h) the body corporate, or an officer of the body corporate, has –
 - (i) wrongfully withheld information to which the owner of the lot is entitled; or
 - (ii) refused to make available for inspection records that the owner of a lot is entitled to inspect; or
 - (i) the rate of interest fixed by the body corporate for late payment of a contribution is unreasonable; or
 - (j) the provisions of the *Strata Titles Act 1998*, as the application of that Act is modified by this Act, or the by-laws, have not been complied with in relation to the calling or conduct of a meeting of the members of the body corporate; or
 - (k) the body corporate has failed to hold a general meeting of its members as required under the *Strata Titles Act 1998* or the by-laws; or
 - (l) the contributions to be levied by the body corporate under the *Strata Titles Act 1998*, or the by-laws, are inadequate or excessive; or

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- (m) the allocation of body corporate expenses in accordance with a by-law of the kind referred to in section 32(1)(e) is unreasonable or incorrect; or
 - (n) the body corporate has failed in the proper performance of a duty under the *Strata Titles Act 1998*; or
 - (o) an agreement for the provision of services to the body corporate is unfair to the owners of 25% or more of the lots or is for an excessively long term.
- (2) An application under subsection (1) –
 - (a) must be made in writing to the Appeal Tribunal; and
 - (b) must set out in detail the grounds on which the applicant has made the application; and
 - (c) must state the general nature of the relief that the applicant seeks.
- (3) The Appeal Tribunal may require an applicant –
 - (a) to provide further information, or materials, that the Appeal Tribunal requires for determination of the application; or
 - (b) to provide a more formal application identifying with greater particularity the grounds on which the application is founded and the nature of the relief

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sought, and complying with any other requirements imposed by the Appeal Tribunal.

- (4) The Appeal Tribunal may decline to proceed with an application until the applicant has complied with a requirement under subsection (3).
- (5) The Appeal Tribunal may allow the amendment of an application on the conditions the Appeal Tribunal thinks fit.

38. Notice of application

- (1) The Appeal Tribunal, after receiving an application, must give written notice of the application, the grounds of the application and the nature of the relief sought, to –
 - (a) the body corporate; and
 - (b) any other person who would, in the Appeal Tribunal's opinion, be affected if the relief sought in the application were granted.
- (2) The body corporate must, after receiving notice under this section, give a copy of the notice to –
 - (a) every owner of a lot affected by the application; and
 - (b) a mortgagee of a lot who has given written notice of the mortgagee's interest to the body corporate; and

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- (c) any occupier of a lot who would be affected if the order sought were made.

39. Application of RMPAT Act

- (1) A reference in the *Resource Management and Planning Appeal Tribunal Act 1993* –
 - (a) to an appeal is to be taken to include a reference to an application; and
 - (b) to an appellant is to be taken to include a reference to an applicant; and
 - (c) to a party to an appeal is to be taken to include a reference to a party in relation to an application.
- (2) The Appeal Tribunal may, on the application of a person whose interests are affected by the matter to which an application under section 37(1) relates, by order, make the person a party to the application under section 37(1).
- (3) Sections 13(1), (2A) and (4), 13A and 14 of the *Resource Management and Planning Appeal Tribunal Act 1993* do not apply in relation to an application under section 37(1).
- (4) For the purposes of the *Resource Management and Planning Appeal Tribunal Act 1993* as it applies in relation to an application on grounds referred to in section 37(1)(a) or (b), a reference in section 21(a) of that Act to the person who made the decision is to be taken to include a reference to the person, referred to in

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section 37(1)(a) or (b), to whom the grounds relate.

- (5) The powers of the Appeal Tribunal under this Part are in addition to any powers that the Appeal Tribunal has under the *Resource Management and Planning Appeal Tribunal Act 1993* in relation to a decision.

Division 3 – Determination of application

40. Orders in relation to failure to comply with a requirement

- (1) If, on an application made on grounds referred to in section 37(1)(a) or (b), the Appeal Tribunal is satisfied that a person has contravened or failed to comply with a requirement of the *Strata Titles Act 1998*, this Act or the by-laws, the Appeal Tribunal may make an order –
- (a) requiring a person to pay any contributions properly levied by the body corporate or to take, or refrain from taking, any other specified action; or
 - (b) require a party to proceedings to pay monetary compensation (not exceeding \$5 000) to another party to the proceedings.
- (2) An order –
- (a) may require immediate compliance with the order or fix a period for compliance; and

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(b) may be made subject to conditions specified in the order.

(3) An order may be made on an interim basis if necessary –

(a) to preserve the subject matter of the application; or

(b) to prevent prejudice to a party –

while the application is investigated and determined.

(4) If an order is made on an interim basis, it operates for a period, of not more than 3 months, fixed in the order and may be renewed from time to time for a further period of not more than 3 months.

41. Orders in relation to common property

If, on an application made on grounds referred to in section 37(1)(c), the Appeal Tribunal is satisfied that the body corporate has unreasonably failed to implement a proposal by an owner of a lot –

(a) for repairing damage to the common property or other property of the body corporate; or

(b) for making an alteration to the common property –

the Appeal Tribunal may order the body corporate to make or allow the repairs or

alteration on the terms and conditions the Appeal Tribunal considers reasonable.

42. Orders in relation to acquisition of personal property

- (1) If, on an application made on grounds referred to in section 37(1)(d), the Appeal Tribunal is satisfied that an acquisition, or proposed acquisition, of personal property by the body corporate is unreasonable, the Appeal Tribunal may order –
 - (a) if the property has not yet been acquired – that the property not be acquired; or
 - (b) if the property has been acquired – that the body corporate sell or dispose of it within a specified time and deal with any proceeds of sale as directed in the order.
- (2) If, on an application made on grounds referred to in section 37(1)(d), the Appeal Tribunal is satisfied that the body corporate has unreasonably refused to acquire personal property for the benefit of owners and occupiers of lots, the Appeal Tribunal may order the body corporate to acquire the property.

43. Orders in relation to insurance

- (1) If, on an application made on grounds referred to in section 37(1)(e), the Appeal Tribunal is satisfied that the amount for which the body

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corporate has taken out insurance is unreasonable, the Appeal Tribunal may order the body corporate to increase or decrease the amount of the insurance.

- (2) If, on an application made on grounds referred to in section 37(1)(f), the Appeal Tribunal is satisfied that an owner of a lot has taken out or maintained insurance following a breach by the body corporate of its obligation to do so, the Appeal Tribunal may order the body corporate to reimburse the owner the cost of that insurance.
- (3) If, on an application made on grounds referred to in section 37(1)(g), the Appeal Tribunal is satisfied that the body corporate has unreasonably refused to make or pursue an insurance claim in respect of property insured by the body corporate, the Appeal Tribunal may order the body corporate to make or pursue the claim.

44. Order to supply information or documents

If, on an application made on grounds referred to in section 37(1)(h), the Appeal Tribunal is satisfied that the body corporate, or an officer of the body corporate, has –

- (a) wrongfully withheld information to which the applicant is entitled; or
- (b) refused or failed to make available for inspection records that the applicant is entitled to inspect –

the Appeal Tribunal may order the body corporate, or the officer, to provide the information or to make the record available for inspection, as the case may require.

45. Order varying rate of penalty interest

If, on an application made on grounds referred to in section 37(1)(i), the Appeal Tribunal is satisfied that the rate of interest fixed by the body corporate for late payment of a contribution is unreasonable, the Appeal Tribunal may make an order varying the rate of interest and remitting accrued interest wholly or in part.

46. Orders in relation to certain meetings

- (1) If, on an application on grounds referred to in section 37(1)(j), the Appeal Tribunal is satisfied that the provisions of the *Strata Titles Act 1998* which apply in relation to the registered strata plan, or the by-laws, have not been complied with in relation to the calling or conduct of a meeting of the members of the body corporate, the Appeal Tribunal may, by order, invalidate a resolution of, or election held by, the persons present at the meeting.
- (2) The Appeal Tribunal is not required to make an order under subsection (1) if the Appeal Tribunal is satisfied –
 - (a) that the failure to comply with the provisions of the *Strata Titles Act 1998*

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or the by-laws did not prejudicially affect any person; or

- (b) that the resolution would have been passed, or the election would have had the same result, even if the relevant provisions had been complied with.
- (3) An application on grounds referred to in section 37(1)(j) must be made within 30 days after the date of the meeting to which the grounds relate.
- (4) If, on an application on grounds referred to in section 37(1)(k), the Appeal Tribunal is satisfied that the body corporate has failed to hold a general meeting of its members as required under the *Strata Titles Act 1998* or the by-laws, the Appeal Tribunal may, by order, appoint a person to convene a general meeting of the members of the body corporate.
- (5) An order under subsection (4) may –
 - (a) provide for the giving of notice of the meeting; and
 - (b) appoint a person to preside at the meeting; and
 - (c) provide, in an appropriate case, that the meeting is to be treated as the first general meeting of the body corporate, even though the time for holding that meeting may have expired; and

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- (d) deal with the business to be placed before the meeting and any incidental or consequential matters.
- (6) The provisions of an order under subsection (4) prevail over inconsistent provisions of Division 3 of Part 4 of the *Strata Titles Act 1998*, this Act or the by-laws.

47. Order for variation of amount or manner of payment of contributions

- (1) If, on an application on grounds referred to in section 37(1)(l), the Appeal Tribunal is satisfied that the contributions to be levied by the body corporate under the *Strata Titles Act 1998*, or the by-laws, are inadequate or excessive, the Appeal Tribunal may, by order –
 - (a) re-determine the contributions on a basis that the Appeal Tribunal considers reasonable; and
 - (b) give directions in relation to payment of any additional amount that becomes payable as a result of the order, or the refund of any amount overpaid.
- (2) If, on an application on grounds referred to in section 37(1)(l), the Appeal Tribunal is satisfied that the manner of payment of contributions determined by the body corporate is unreasonable or incorrect, the Appeal Tribunal may, by order, re-determine the manner in which the contributions are to be paid.

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- (3) If, on an application on grounds referred to in section 37(1)(m), the Appeal Tribunal is satisfied that the allocation of body corporate expenses in accordance with a by-law of the kind referred to in section 32(1)(e) is unreasonable or incorrect, the Appeal Tribunal may, by order, allocate the expenses as it thinks fit.
- (4) The provisions of an order under subsection (2) or (3) prevail over inconsistent provisions of Division 3 of Part 4 of the *Strata Titles Act 1998*, this Act or the by-laws.

48. Appointment of administrator

- (1) If, on an application on grounds referred to in section 37(1)(n), the Appeal Tribunal is satisfied –
 - (a) that the body corporate has failed in the proper performance of a duty under the *Strata Titles Act 1998*; and
 - (b) the applicant has a proper interest in the due performance of the relevant duty; and
 - (c) the circumstances are sufficiently serious to justify the appointment of an administrator under this section –

the Appeal Tribunal may, by order, appoint an administrator.

- (2) The appointment of an administrator –

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- (a) is not to be made unless the proposed appointee consents in writing to the appointment; and
 - (b) is to be made on the terms and conditions (which may include terms and conditions for the remuneration of the administrator out of the funds of the body corporate), if any, that the Appeal Tribunal specifies in the order.
 - (3) The administrator has, in accordance with the terms of the order, power –
 - (a) to administer the affairs of the body corporate generally; or
 - (b) to carry out the function, or functions, of the body corporate or its officers, which functions is or are specified in the order.
 - (4) If an administrator has power to administer the affairs of the body corporate generally, the administrator's powers operate to the exclusion of the powers of the body corporate and its officers.
 - (5) If an administrator has power to carry out a specified function or functions, the powers of the body corporate are preserved so far as they relate to those functions.
 - (6) An act or omission of an administrator done or made in the course of exercising powers under this section is to be regarded as an act or omission of the body corporate.

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- (7) The administrator must give the body corporate written notice of the exercise of powers under this section as soon as practicable after the powers are exercised.

49. Order terminating, or shortening, contract for services to body corporate

- (1) If, on an application on grounds referred to in section 37(1)(o), the Appeal Tribunal is satisfied that an agreement for the provision of services to the body corporate –

- (a) is unfair to the owners of 25% or more of the lots; or

- (b) is for an excessively long term –

the Appeal Tribunal may make an order terminating, or shortening the term of, the agreement.

- (2) An order under subsection (1) may also require a party to the agreement to pay a specified amount to another party for the purpose of adjusting the rights of the parties in consequence of the termination of, or shortening of the term of, the agreement.

PART 7 – THEATRE ROYAL LAND

Division 1 – Dealings with land in project site

50. Dealings with the Theatre Royal land

No part of the Theatre Royal building, or of the Theatre Royal lot, may be transferred to another person, or disposed of, whether under the *Crown Lands Act 1976* or any other Act, except if the transfer or disposal is required under the Development Agreement.

51. Dealings with certain land

- (1) The Minister may not dispose of, including by way of transfer, any part of –
- (a) the pre-development adjoining Crown land; or
 - (b) the acquired council land; or
 - (c) the right-of-way land –

except if required to do so by or under the Development Agreement or if the part of the land is, after the issue of a single title under section 27, not land to which that title relates.

- (2) Subsection (1) does not apply in relation to the pre-development adjoining Crown land if the Minister is satisfied that the Development Agreement has been terminated, rescinded or abandoned.

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- (3) Subsection (1) does not, after the surrender day, apply in relation to the acquired council land, or the right-of-way land, if the Minister is satisfied that the Development Agreement has been terminated, rescinded or abandoned.

Division 2 – Leases

52. Minister to lease pre-development Theatre Royal land, or Theatre Royal lot, to Board

- (1) The Minister must lease to the Board the Theatre Royal pre-development land, or the Theatre Royal lot, to enable the Board to use that land or lot –
- (a) for the presentation of theatrical performances and performing arts; or
 - (b) to perform the Board's functions or obligations, or to exercise the Board's powers or rights, under this Act or the *Theatre Royal Management Act 1986*.
- (2) A lease referred to in subsection (1) is to be on the terms and conditions determined by the Minister and specified in the lease.
- (3) If the Minister leases to the Board the Theatre Royal pre-development land before the commencement day, the lease is taken to be a lease referred to in subsection (1) on and after the commencement day.
- (4) The Minister may from time to time vary a lease referred to in subsection (1) if he or she is of the

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opinion that it is necessary or desirable to do so for the purposes of enabling or assisting –

- (a) the carrying out of the Development Agreement or a supplementary agreement; or
 - (b) the Board to perform its functions or obligations, or to exercise the Board's powers or rights, under this Act or the *Theatre Royal Management Act 1986*.
- (5) Without limiting the generality of subsection (4), the Minister may from time to time amend the lease referred to in subsection (1) so that it applies to all or any part of the following:
- (a) the Theatre Royal pre-development land;
 - (b) the Theatre Royal lot;
 - (c) the pre-development Crown land.

53. Surrender of Studio Theatre lease must be approved by both Houses of Parliament

- (1) The Minister may not surrender a lease held by the Crown in relation to the Studio Theatre lot unless the surrender of the lease has been approved by each House of Parliament.
- (2) For the purposes of this section, a House of Parliament is taken to have approved the surrender of a lease referred to in subsection (1) if a copy of the proposed surrender has been laid on the table of that House and –

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- (a) the proposed surrender is approved by that House; or
 - (b) at the expiration of 5 sitting-days after the copy of the proposed surrender was laid on the table of that House –
 - (i) no notice has been given of a motion to disallow the proposed surrender; or
 - (ii) if such notice has been given, the notice has been withdrawn or the motion has been negated; or
 - (c) if a notice of a motion to disallow the surrender has been given but not withdrawn or negated during that period of 5 sitting-days, the notice is withdrawn or the motion is negated after the expiration of that period.
- (3) A purported surrender, in contravention of subsection (1), of a lease in relation to the Studio Theatre lot is void and of no effect.

54. Sub-lease of Studio Theatre

- (1) The Minister must, as soon as practicable after the Crown leases the Studio Theatre lot from the University, sub-lease the Studio Theatre lot to the Board.
- (2) A sub-lease referred to in subsection (1) is to be on the terms and conditions determined by the Minister and specified in the sub-lease.

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- (3) The Minister may from time to time vary the sub-lease referred to in subsection (1) if the Minister is of the opinion that it is necessary or desirable to do so for the purposes of enabling or assisting the Board to perform its functions or obligations, or exercise its powers or rights, under this Act or the *Theatre Royal Management Act 1986*.

Division 3 – Use of Theatre Royal land

55. Board to manage Theatre Royal

The Board is to manage the area of land that, from time to time, comprises the Theatre Royal management area, for the purposes of –

- (a) the presentation of theatrical performances and performing arts; and
- (b) enabling the Board to perform its functions or obligations, or exercise its powers or rights, under this Act or the *Theatre Royal Management Act 1986*.

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PART 8 – MISCELLANEOUS

56. Use of UTAS lot

- (1) A person must not use the UTAS lot for a purpose other than –
 - (a) the provision of education, for the performing arts, or for other cultural or public uses; or
 - (b) a purpose approved by the body corporate.
- (2) The Minister may apply to the Supreme Court for an injunction in relation to a person, if the Minister is of the opinion that the person –
 - (a) is engaging, or has engaged in, conduct that constitutes a contravention of subsection (1); or
 - (b) is proposing to engage in conduct that would constitute a contravention of subsection (1).
- (3) The Supreme Court may grant an injunction in the terms the Court determines to be appropriate if, on the application of the Minister under subsection (2), the Court is satisfied that a person –
 - (a) is engaging, or has engaged in, conduct that constitutes a contravention of subsection (1); or

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(b) is proposing to engage in conduct that would constitute a contravention of subsection (1).

(4) This section only applies after the registration under the *Strata Titles Act 1998* of the registered strata plan.

57. Restrictions on disposal, &c., of Studio Theatre lot and UTAS lot

(1) In this section –

relevant part means the part, of the UTAS lot, to which an offer referred to in subsection (3) relates.

(2) The University may not transfer to a person, or dispose of to a person or entity other than the Crown, all or part of the Studio Theatre lot.

(3) The University, before deciding to sell all or any part of the UTAS lot, must first offer to sell to the Crown the relevant part, for the same price, and on and subject to the same terms and conditions, on which the University is prepared to sell the relevant part to any other person.

(4) An offer to the Crown under subsection (3) must be in writing, delivered to the Secretary, stating –

(a) all the terms and conditions of the offer, including the price; and

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- (b) a place for acceptance of the offer that is within a radius of 5 km from Parliament House.
- (5) The Crown may accept an offer made to it under subsection (3) by notice in writing delivered to the University at the place of acceptance stated, in accordance with subsection (4)(b), in the offer, within 90 days after the date on which the offer is made to the Crown.
- (6) If the Crown does not accept, in accordance with subsection (5), an offer to sell the relevant part, the University –
 - (a) may sell the relevant part –
 - (i) at a price that is equal to or greater than the price specified in the offer; and
 - (ii) on substantially the same terms and conditions as the offer; and
 - (b) may not sell the relevant part –
 - (i) at a price that is below the price specified in the offer; and
 - (ii) on terms or conditions that are not substantially the same terms and conditions as the offer –

unless a further offer has been made to the Crown under subsection (3) at the price, and the terms and conditions, referred to in subparagraphs (i) and (ii)

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and that offer is not accepted under subsection (5).

- (7) This section applies despite any provision of the *Perpetuities and Accumulations Act 1992* or any rule of law that would otherwise invalidate or limit the rights given, or the obligations imposed, by this section.

58. Certain documents may be laid before Houses of Parliament before commencement day

A document that, under this Act, may be, or is required to be, laid before both Houses of Parliament and that is so laid before those Houses before the commencement day –

- (a) is to be taken, on and after it is so laid, to have been laid before those Houses for the purposes of this Act; and
- (b) may, for the purposes of this Act, be disallowed or otherwise, as required or permitted under this Act, before or after the commencement day.

59. Exemption from State taxes

- (1) In this section –

State tax means any tax, duty, charge or application, registration, or other fee, imposed by an Act or other law of Tasmania.

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- (2) State tax is not payable in relation to any binding agreement prepared in relation to, or for the purposes of, the transaction of any dealing in land for the purposes of the Development Agreement.

60. Compensation not payable

Subject to section 17, no compensation is payable by the Crown in respect of –

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

61. 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 any other Act or any other law of Tasmania –

- (a) to deal with the land; or
- (b) to alter or otherwise deal with the Register.

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62. 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 matters, limitations or restrictions, whether as to time, circumstance or otherwise, 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, the Director-General of Lands or the Recorder of Titles.
- (4) The regulations may –
 - (a) provide for savings or transitional matters necessary or expedient for bringing this Act into operation; and
 - (b) provide for any of those savings or transitional matters to take effect on the commencement day or on a later day specified in the regulations, whether the day so specified is before, on or after the day on which the regulations are made.

63. 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 Environment, Parks and Heritage; and

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- (b) the department responsible to that Minister in relation to the administration of this Act is the Department of State Growth.

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Part 9 – Theatre Royal Management Act 1986 amended

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**PART 9 – THEATRE ROYAL MANAGEMENT ACT
1986 AMENDED**

64. Principal Act

In this Act, the *Theatre Royal Management Act 1986** is referred to as the Principal Act.

65. Section 15 repealed

Section 15 of the Principal Act is repealed.

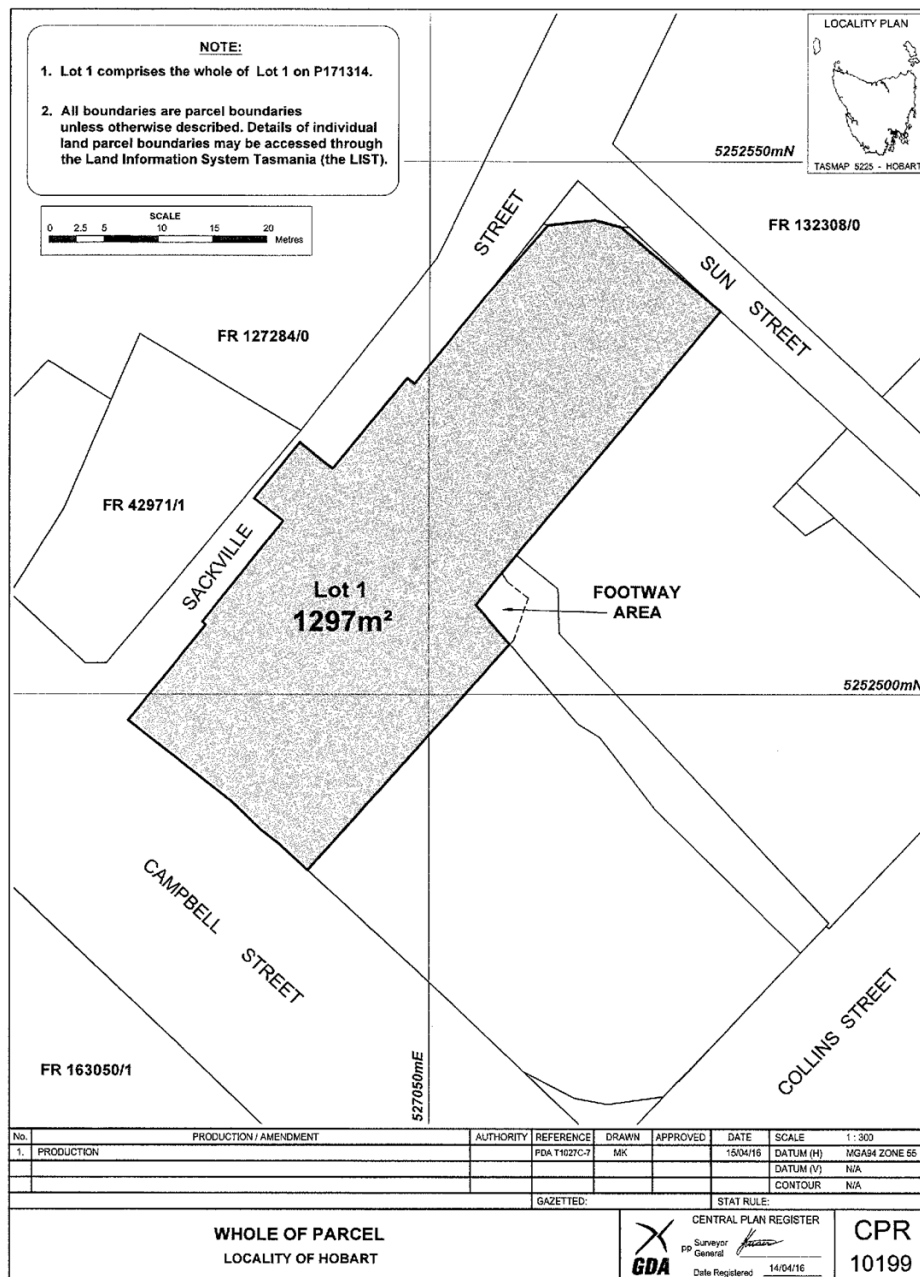
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**SCHEDULE 1 – THEATRE ROYAL PRE-
DEVELOPMENT LAND AND FOOTWAY AREA**

Section 10(2) and section 20(4)



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**SCHEDULE 2 – PRE-DEVELOPMENT ADJOINING
CROWN LAND AND ACQUIRED COUNCIL LAND**

Section 13(2) and section 16(2)



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sch. 3

SCHEDULE 3 – RIGHT-OF-WAY LAND

Section 19(2)

