

CLAUSE NOTES

University of Tasmania (Protection of Land) Bill 2025

Clause 1 Short Title

This specifies the name of the proposed Act.

Clause 2 Commencement

This provides that the Act is taken to have commenced on 14 May 2024. The retrospective commencement ensures that any dealings with University land since that date are subject to the Act.

Clause 3 Interpretation

This provides for interpretation of key words in the Act, including 'commencement day', 'dispose', 'University', 'University land', and 'vested land'.

The definition of 'dispose' has been broadened to include a wide range of transactions, including sale, barter, raffle, prize, gift, or long leases (99 years or more). 'Vested land' is defined with reference to Schedule 1, and may also include land prescribed by regulation.

Clause 4 Parliamentary approval required to dispose of certain University land

This clause provides that the University must not dispose of any vested land without the prior approval of both Houses of Parliament.

The clause sets out the process by which the University may request disposal: the University is to provide the Minister with a draft disposal motion containing specified information, and the Minister is to table the motion if it meets requirements.

Approval is deemed if a motion is passed, or if no disallowance occurs within 10 sitting days. This ensures Parliament retains control over any disposal while providing certainty for the University.

Clause 5 Minister may protect land with caveat

This clause provides that the Minister may lodge a notification with the Recorder of Titles that operates as a caveat, preventing disposal of vested land unless in accordance with the Act.

The provision ensures that dealings with University land are consistent with the Act, and acts as a safeguard if the requirements of the Act are inadvertently overlooked.

Clause 6 Application of Act to leases and agreements for sale

This clause provides that any transaction or agreement to dispose of vested land, other than in accordance with the Act, is void if entered into on or after the commencement day.

This applies even to transactions entered into prior to Royal Assent. Deposits are to be refunded, and no contractual remedies are available for agreements voided under this section.

Clause 7 Rezoning of certain land

This clause provides for the automatic rezoning of specified land at Sandy Bay, as described in Schedule 2.

On Royal Assent, the Planning Minister must register a plan and direct the Tasmanian Planning Commission to amend the applicable planning scheme. The effect is that the land ceases to be within the Particular Purpose Zone 3 (University of Tasmania Sandy Bay Campus) and is rezoned as Inner Residential.

The rezoning is declared valid despite any procedural requirements of the *Land Use Planning and Approvals Act 1993*.

Clause 8 Regulations

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

Regulations may take effect from the commencement day, ensuring consistency with the retrospective application of the Act.

Clause 9 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 otherwise.

Clause 10 Consequential amendments

This clause provides that the *University of Tasmania Act 1992* is to be amended as specified in Schedule 3.

The amendments clarify that the University's land powers are subject to this Act.

Schedule 1 – Vested Land

This schedule details the University land to which the Act applies, including specific titles.

Schedule 2 – Area to be Rezoned

This schedule identifies, by plan, the parcels of Sandy Bay land to be rezoned under Clause 7.

Schedule 3 – Consequential Amendments

Part 1

This schedule provides that the University's powers under Section 7(1)(a) of the University of Tasmania Act 1992 are subject to this Act.

Part 2

This schedule amends Section 26 of the University of Tasmania Act 1992 to insert a new subsection, confirming that this Act may restrict the lease, sale or disposal of University land specified in Schedule 3.