

TASMANIA

**UNIVERSITY OF TASMANIA (PROTECTION OF
LAND) BILL 2024**

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. Rezoning of certain land
 8. Regulations
 9. Administration of Act
 10. Consequential amendments
- Schedule 1 – Vested land
- Schedule 2 – Area to be Rezoned
- Schedule 3 – Consequential Amendments

UNIVERSITY OF TASMANIA (PROTECTION OF LAND) BILL 2024

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.

LAURA ROSS, *Clerk of the House*
28 November 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.

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

s. 3

3. Interpretation

In this Act, unless the contrary intention appears –

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

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

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

s. 4

House of Parliament as soon as practicable.

- (3) For the purposes of this section, a House of Parliament is taken to have approved the 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

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

s. 6

other than in accordance with this Act;
and

(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. Rezoning of certain land

- (1) In this section –

applicable planning scheme means the planning scheme, within the meaning of the *Land Use Planning and Approvals Act 1993*, that applies to the registered area;

Commission has the same meaning as in the *Land Use Planning and Approvals Act 1993*;

Planning Minister means the Minister to whom the administration of the *Land Use*

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

s. 7

Planning and Approvals Act 1993 is assigned;

proposed area means the areas of land specified in Schedule 2 that are owned by the University on the commencement day;

registered area means the area of land identified in the plan registered in the Central Plan Register in accordance with subsection (2).

- (2) On the day on which this Act receives the Royal Assent, the Planning Minister is to cause a plan, in respect of the proposed area, to be prepared and registered in the Central Plan Register.
- (3) As soon as practicable after the day on which the plan is registered in the Central Plan Register in accordance with subsection (2), the Planning Minister, by notice in writing to the Commission, is to direct the Commission to amend the applicable planning scheme, including any maps or plans relating to the applicable planning scheme, to reflect the change in zoning of the registered area.
- (4) On the day on which the Planning Minister gives the Commission a direction under subsection (3), the registered area –
 - (a) is declared to be zoned Inner Residential, within the meaning of the applicable planning scheme; and

- (b) ceases to be within the Particular Purpose Zone 3 – University of Tasmania (Sandy Bay Campus), within the meaning of the applicable planning scheme.
- (5) Within 14 days after the Commission is given a direction under subsection (3) in relation to the registered area, or such longer period as specified in the direction, the Commission must amend the applicable planning scheme, including any maps or plans relating to the applicable planning scheme, to reflect the change in zoning of the registered area.
- (6) The Commission is to notify the Planning Minister of the amendment of the applicable planning scheme, in accordance with this section, as soon as practicable after the amendment has been made.
- (7) Despite any provisions of the *Land Use Planning and Approvals Act 1993* and the applicable planning scheme –
 - (a) the amendment of the applicable planning scheme under this section is not to be invalid by reason only that –
 - (i) the amendment has not occurred in the manner or following the procedure that, but for this section, would have been required to be followed under the applicable planning scheme or the *Land Use Planning and Approvals Act 1993*; or

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

s. 8

- (ii) but for this section, the amendment of the applicable planning scheme would be in contravention of that Act; and
 - (b) a use or development of the registered area that is in accordance with the applicable planning scheme, as amended, is not to be taken to be in contravention of section 63 of the *Land Use Planning and Approvals Act 1993*.
- (8) Nothing in this section prevents the future amendment of the applicable planning scheme in relation to the registered area.

8. 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.

9. 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
- (b) the department responsible to the Minister for Education in relation to the

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

s. 10

administration of this Act is the
Department for Education, Children and
Young People.

10. Consequential amendments

The legislation specified in Schedule 3 is
amended as specified in that Schedule.

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

sch. 1

SCHEDULE 1 – VESTED LAND

Section 3

Such part of the University land that falls within the following descriptions:

- (a) all that area of land within Volume 176312, Folio 1, in the Register kept under section 33 of the *Land Titles Act 1980*, that falls between Churchill Street and Sandy Bay Road, Sandy Bay;
- (b) Volume 167420, Folio 1, in the Register kept under section 33 of the *Land Titles Act 1980*.

SCHEDULE 2 – AREA TO BE REZONED

Section 7

PART 1 – AREA OF LAND

All the area of land, within Volume 176312, Folio 1, in the Register kept under section 33 of the *Land Titles Act 1980*, that –

- (a) is not vested land; and
- (b) is shown shaded, and bounded by thick lines, in the plan which is set out in Part 2 of this Schedule.

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

sch. 2

PART 2 – PLAN



SCHEDULE 3 – CONSEQUENTIAL AMENDMENTS

Section 10

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.