

## **Land (Miscellaneous Matters) and National Tennis Centre (Amendment) Bill**

### **EXPLANATORY MEMORANDUM**

*Clause 1* sets out the purposes of the Act.

*Clause 2* provides that section 9 is deemed to have come into operation on the day that section 3 of the **Land (Revocation of Reservations) Act 1994** came into operation, that section 18 is deemed to have come into operation on the day that section 15 of the **Land (Further Miscellaneous Matters) Act 1994** came into operation and that sections 10 and 16 come into operation on a day or days to be proclaimed. The remaining provisions come into operation on the day the Act receives the Royal Assent.

*Clause 3* amends the definition of “National tennis centre land” in the **National Tennis Centre Act 1985**, to include the land added to the reservation by section 4 of this Act.

*Clause 4* inserts a new section 25A to 25D into the **National Tennis Centre Act 1958** to provide for the Governor in Council to approve plans of survey of land and for the land shown on the plan in Part 3 of the Schedule to that Act to be divested from the Public Transport Corporation and for reservations over the land shown on the plan in Part 4 of the Schedule to be revoked. The clauses further provide for the land to revert to the Crown and to be deemed to be reserved for the purposes of the national tennis centre.

*Clause 5* amends section 26 of the **National Tennis Centre Act 1985** to provide that no compensation is payable in respect of anything done under or arising out of section 25A of that Act.

*Clause 6* inserts a new section 26A into the **National Tennis Centre Act 1985** to provide that it is the intention of this section to vary or alter section 85 of the **Constitution Act 1985** to the extent necessary to prevent the Supreme Court awarding compensation for anything done under or arising out of sections 25A, 25B, 25C, 25D and 26 of that Act.

*Clause 7* amends section 28 of the **National Tennis Centre Act 1985** to require the Registrar-General and the Registrar of Titles to amend titles as necessary, in consequence of section 25A.

*Clause 8* inserts Part 3 into the Schedule to the **National Tennis Centre Act 1985** showing a plan of the area to be included in the reservation for the national tennis centre.

*Clause 9* amends section 10 of the **Land (Revocation of Reservations) Act 1994** to ensure that sub-section (1) of the section does not affect the continuity of the lease between the Melbourne City Council and Southern Cross Properties Proprietary Limited over the Eastern market (Southern Cross Hotel) site or any sub-lease, which existed over that land at the time of revocation of the reservation and Crown grant in respect of the land.

*Clause 10* provides for revocation of the reservation over land set aside for the Janefield Colony for the Treatment of Mental Defectives and for revocation of the reservation over an adjoining portion of land reserved for conservation of an area of natural interest, to facilitate the sale, redevelopment and other uses of the land.

*Clause 11* provides for revocation of the reservation of land at Coburg for public recreation purposes, to facilitate sale of the land.

*Clause 12* provides for revocation of the reservation over land at Hawthorn set aside for drainage and sanitary purposes, to facilitate the sale of the land.

*Clause 13* provides for repeal of the **Mordialloc Public Hall & Court House Act 1965** and for revocation of the reservation over the Mordialloc Public Hall and Court House site, to facilitate the sale of the site.

*Clause 14* provides for revocation of the reservation and Crown grant over land on which the Nagambie Golf Course is situated, to facilitate the sale of land.

*Clause 15* provides for revocation of a portion of the reservation for a public park at Beaumaris, to enable the land to be consolidated with adjoining leased land.

*Clause 16* provides for repeal of the **Buninyong (Recreation Reserve) Land Act 1971** and revocation of the reservation and Crown grant over the land set aside for public recreation at Buninyong, to facilitate sale of the land.

*Clause 17* provides for revocation of a portion of the Lorne Public Hall and Free Library reserve, to facilitate sale of the land.

*Clause 18* substitutes section 15 of the **Land (Further Miscellaneous Matters) Act 1994**, to clarify the extent of the area referred to as the Thomson River Bridge in that Act.

*Clause 19* provides that, on revocation or discharge of a reservation by this Act, the land is deemed to be unalienated land of the Crown freed of encumbrances and the appointment of any committee of management, and any regulations, are revoked to the extent that they apply to the land.

*Clause 20* requires the Registrar-General and the Registrar of Titles to make any amendments to records that are necessary because of the operation of this Act.

*Clause 21* provides that no compensation is payable in respect of anything done under or arising out of this Act.

*Clause 22* provides that it is the intention of this section to vary or alter section 85 of the **Constitution Act 1985** to the extent necessary to prevent the Supreme Court awarding compensation for anything done under or arising out of this Act.

Schedules 1, 2, 3 and 4 contain details of the reservations to be revoked by the provisions of the Bill.