

# Land (Amendment and Miscellaneous Matters) Bill

## EXPLANATORY MEMORANDUM

*Clause 1* states the purpose of the Act.

*Clause 2* provides for commencement.

*Clause 3* inserts a new section 151AB into the *Land Act 1958*. The proposed new section applies as follows:

(1) The section is stated to apply to the sale of Crown land in the metropolitan area, which is subject to an existing Crown lease;

(2) The section operates to assign the Crown's interest under the lease to the purchaser of the land so that—

(a) any reference to the Crown in the lease is in future treated as a reference to the purchaser;

(b) existing provisions for rent re-appraisal continue and the purchaser is substituted for the Minister when rent is re-appraised;

(c) provisions which are peculiar to the nature of the lease, as a Crown lease, will be discontinued, namely, provision for resumption for public purposes and any requirement that the lessee contribute to the construction of works under the *Local Government Act 1958*; and

(d) the section makes the lessee liable to reimburse an incoming lessor for land tax payable on the property by the lessor. This will not increase the existing liability of the lessee.

(3) The section replaces any provision in a lease which applies over the land that gives the Minister complete discretion in re-appraising the rental. Instead the lessee and the incoming lessor must mutually agree on the rent re-appraisal or failing agreement the market rental value is to be set by an independent expert valuer.

*Clause 4* revokes the permanent reservations and Crown grant of the lands specified in Schedule 1 insofar as they relate to the lands shown hatched on the plans in Schedules 2, 3 and 4 and in the Fourth Schedule to the *Port of Geelong Authority Act 1958*.

*Clause 5* provides for the lands of which the reservations and Crown grant are revoked to be unalienated land of the Crown.

*Clause 6* repeals the *Geelong (Market Site) Land Act 1963*.

*Clause 7* amends the *Port of Geelong Authority Act 1958* to vest certain land in the Port of Geelong Authority and to include that land in the area defined as "The port".

*Clause 8* vests certain land in the State Transport Authority.

*Clause 9* authorizes the Governor in Council to grant in fee simple certain land to Glastonbury Child and Family Services. The clause also empowers Glastonbury Child and Family Services to sell the land or any part of it after any grant of the land is made and stipulates that the proceeds of any sale must be applied to the provision and development of that body's child and family services program.

*Clause 10* states that no compensation is payable by the Crown as a consequence of this Act.

*Schedule 1* specifies the reservations and Crown grant which are revoked as to part.

*Schedules 2, 3 and 4* show by hatching on plans the lands of which the permanent reservations and Crown grant are revoked.