

# Melbourne Market and Park Lands Bill

## EXPLANATORY MEMORANDUM

*Clause 1* states the purposes of the Act, which are to revoke the reservations of land in Spring Street, Melbourne, authorise the sale of that land to the Royal Australasian College of Surgeons and make provision for the continued maintenance of and public access to the gardens on the land to be sold.

*Clause 2* states that the Act will commence on the day it is given Royal Assent.

*Clause 3* revokes the reservations over the land.

*Clause 4* ensures that the revocation of each reservation is comprehensive.

*Clause 5* allows the site to be sold.

*Sub-clause (1)* allows the Minister to sell the site to the Royal Australasian College of Surgeons.

The sub-clause allows the Minister discretion in negotiating the sale price and other terms and conditions.

*Sub-clause (2)* allows the Minister to enter into agreements to ensure the maintenance of and public access to the gardens on the land, and deals with other terms and conditions of sale.

*Sub-clauses (3) and (4)* provide for matters incidental to the sale and for the non-application of Part 1 of the Sale of Land Act.

*Clause 6* authorises the issue of a Crown Grant of land sold under this Act.

*Clause 7* ensures that the provisions of the **Historic Buildings Act 1981** remain unaffected.

*Clause 8* allows the Minister to enter into an agreement with the Melbourne City Council concerning the maintenance of and public access to the gardens on the land to cover the period between the enactment of this Act and the issue of the Crown Grant.

*Clause 9* repeals certain superseded provisions in the **Melbourne Market and Park Lands Act 1933**.

*Clause 10* provides a mechanism to ensure that no contract of sale may be entered into after 31 December 1993, and that if no sale takes place then the permanent reservations are restored.

*Clause 11* provides that no compensation is payable by the Crown on account of anything done under or arising out of the Act.

*Clause 12* ensures the efficacy of *Clause 11*, by stating that it is intended to alter or vary section 85 of the **Constitution Act 1975** to prevent the Supreme Court from awarding compensation in respect of anything done under or arising out of the Act.

## **SCHEDULE**

The Schedule sets out the details of the land and of the source and nature of the reservations applicable to it.