

## Victoria Park Land Bill

### EXPLANATORY MEMORANDUM

#### Outline

The objective of this Bill is to implement the arrangements for the ownership, improvement and use of Victoria Park made between the Collingwood City Council and the Collingwood Football Club.

#### Notes on Clauses

*Clause 1* states the purpose of the Act.

*Clause 2* provides that except for sections 1 to 4, the Act commences upon proclamation and sections 1 to 4 come into operation on the day on which this Act receives Royal Assent.

*Clause 3* defines certain expressions used throughout the Act.

*Clause 4* provides that the Minister or a person authorised by the Minister may deposit with the Registrar-General documents set out in sub-section (2) which represent the contract of sale for the land shown hatched on the plan in Schedule 1 (“the social club land”) and the lease arrangement for the area marked B on the plan in Schedule 2. Certain provisions of the **Property Law Act 1958** apply to documents deposited under this section.

*Clause 5* defines an implementing document.

*Clause 6* provides that the deposited documents replace and supersede any agreements or arrangements previously made during negotiations between the Council and Club. It further provides that the deposited documents have effect as binding and enforceable agreements and that provisions of the Local Government Acts are taken to have been complied with.

*Clause 7* provides that the Council and the Club must do certain things to carry out and give effect to the contract of sale and lease agreement. The things include the financing of the purchase of the social club’s land, the giving of a mortgage to secure that finance, and entering into various leasing arrangements. Provisions of the Local Government Acts are taken to have been complied with.

*Clause 8* provides when and how the documents mentioned in clauses 4 to 7 can be varied or terminated.

*Clause 9* sets out the grounds on which the Minister may appoint an agent to act for the Council or the Club. It provides for the form, process and proof of the appointment of an agent for the purposes of the Act.

*Clause 10* sets out the powers of an agent and the status of anything done by an agent pursuant to those powers. It also provides that the Council or the Club must give to an agent any document, information or assistance which it is able to give and the agent requires. The clause provides for an action for breach of statutory duty for any contravention of that requirement. Before action can be taken, consent in writing must be obtained from the Attorney-General.

*Clause 11* sets out the procedure for revocation or variation of agency.

*Clause 12* provides that the Council or the Club must not act in any way contrary to any deposited or implementing document or anything which may be done by an agent acting under his or her or its appointment.

*Clause 13* provides additional powers to the Registrar of Titles for the purposes of the Act.

*Clause 14* provides that the Minister may declare that the administration and enforcement of the **Building Control Act 1981** be carried out by any person or body specified by Order published in the Government Gazette.

*Clause 15* provides that the Minister may transfer from the Council to the Minister the Council's powers and duties under the **Subdivision Act 1988**.

*Clause 16* sets out the circumstances where a right to compensation or damages exists and excludes those remedies in respect of certain matters arising under the Act.

*Clause 17* provides an immunity for an agent acting in accordance with the Act.

*Clause 18* limits the jurisdiction of the Supreme Court to award compensation or damages in respect of certain matters arising out of this Act.

*Clause 19* repeals the **Collingwood Land (Victoria Park) Act 1992** and contains a transitional provision.

## SCHEDULES

Schedule 1 is a plan of Victoria Park.

Schedule 2 shows, by plan, the scheme for ownership and use of Victoria Park.