

## TAMALA PARK LAND TRANSFER BILL 2001

### EXPLANATORY MEMORANDUM

The purpose of the Bill is to transfer a portion of the City of Perth's share in Tamala Park to the Towns of Cambridge, Victoria Park and Vincent.

The following is an examination of the contents of the Bill on a clause by clause basis.

Clause 1 Short title

Clause 2 Commencement

This clause provides for the Act to come into operation on Royal Assent.

Clause 3 Interpretation

This clause provides definitions for "Registrar of Titles" and the "Tamala Park land".

Clause 4 Portions of the City of Perth's share of Tamala Park land transferred.

This clause provides for the Towns of Cambridge, Victoria Park and Vincent to each receive a quarter share of the City of Perth's share in Tamala Park. Each is to be transferred the ownership of the land as a tenant in common. The transfers are subject to the notes on the certificate of title of the Tamala Park land but free of all other encumbrances.

Clause 5 Registration of Titles to register transfers.

The clause gives the Registrar of Titles the power to give effect to the transfers set out in clause 4. Section 242 of the *Transfer of Land Act 1893* does not apply and the production of the duplicate certificate may be avoided.

Clause 6 Transfers to be for no consideration.

This clause ensures that the transfers occur without an exchange of money and the City of Perth shall not have any claim for compensation resulting from the transfers.

Clause 7 Stamp duty exempted.

The clause provides that no stamp duty under the *Stamp Act 1921* shall be paid.

Clause 8 Certain agreements prohibited.

This clause prevents the City of Perth from entering into any dealings or agreements to dispose of its interest in Tamala Park until the transfers have been registered. However, there is provision for this to occur with the prior written approval of the Minister where this may be necessary for other Government reasons.

The Minister advised the City of Perth of the intent of the Bill in correspondence sent on 7 May 2001. Accordingly, the prohibition on dealings will take effect from that date and any dealings or agreements entered into that are in contravention of this provision shall be void.

Clause 9 Legal proceedings precluded.

This clause is intended to prevent the use of legal proceedings to stop the operation of this Act. It has been included to ensure that the transfers will occur without interference from the courts.