

Land (Amendment and Miscellaneous Matters) Bill

No.

TABLE OF PROVISIONS

PART 1—PRELIMINARY

Clause

1. Purpose.
2. Commencement.

PART 2—AMENDMENT OF *LAND ACT 1958*

3. New section inserted in *Land Act 1958*.
151AB. Sale of metropolitan Crown land subject to leases.

PART 3—LANDS (MISCELLANEOUS MATTERS)

4. Revocation of permanent reservations.
5. Land deemed to be unalienated land of the Crown.
6. Repeal of *Geelong (Market Site) Land Act 1963*.
7. Amendment to the *Port of Geelong Authority Act 1958*.
8. Vesting of land described in Item 1 of *Land (Miscellaneous Matters) Act 1986*.
9. Glastonbury Children's Home Land.
10. No compensation payable by Crown.

SCHEDULE 1

Lands in respect of which the permanent reservations are revoked.

SCHEDULE 2

Land, being part of the land referred to in Item 1 of Schedule 1, in respect of which the Order referred to in that Item is revoked.

SCHEDULE 3

Land, being part of the land referred to in Item 2 of Schedule 1, in respect of which the Order referred to in that Item is revoked.

SCHEDULE 4

Land, being part of the land referred to in Item 4 of Schedule 1, in respect of which the Order referred to in that Item is revoked.

LEGISLATIVE ASSEMBLY

Read 1° 22 October 1986

(Brought in by Mr Cathie and Mr McCutcheon)

A BILL

to make provision for the sale of certain Crown land and to revoke the permanent reservations of certain land and for other purposes.

Land (Amendment and Miscellaneous Matters) 1986

The Parliament of Victoria enacts as follows:

PART 1—PRELIMINARY

Purpose.

1. The purpose of this Act is—

- 5 (a) to enable certain Crown land in the metropolitan area subject to Crown leases to be sold with the benefit of and subject to those leases; and
- (b) to revoke the permanent reservations of certain land and to make other provision as provided in Part 3.

10 Commencement.

2. This Act comes into operation on the day on which it receives the Royal Assent.

PART 2—AMENDMENT OF *LAND ACT 1958*

New section inserted in *Land Act 1958*.

No. 6284.
Reprinted to
No. 9705 and
amended by
Nos. 9798, 9805,
9812, 9861,
9902, 9921,
10011, 10087,
16/1986, 36/1986
and 59/1986.

3. After section 151AA of the *Land Act* 1958 insert—**Sale of metropolitan Crown land subject to leases.**

“151AB. (1) This section applies to a sale under Division 6 of Crown land in the metropolitan area within the meaning of section 151AA if the Crown land is sold subject to a lease granted under subdivision 1 or any corresponding previous enactment. 5

(2) Upon a sale to which this section applies, any lease referred to in sub-section (1) to which the sale is subject has effect as a lease between the purchaser as lessor and the lessee under the lease as if it had been assigned to the purchaser and as if— 10

(a) any reference in the lease (except in relation to the exception and reservation of minerals to the Crown) to Her Majesty, the Governor, the Governor in Council, a Minister or any other person having a power or discretion exercisable under the lease for or on behalf of the Crown or the lessor were a reference to the lessor for the time being; and 15

(b) subject to paragraph (e), provisions of the lease and this Act for the re-appraisal of the rent continued to have effect; and

(c) any provision in the lease—

(i) permitting resumption of the land for public purposes; or 20

(ii) requiring contribution by the lessee to the cost of construction of works as if the lessee were liable as owner under the *Local Government Act* 1958—

were void; and 25

(d) the lease contained a provision under which the lessee agrees to pay to the lessor the amount of any land tax charged to the owner of the land subject to the lease (other than any amount exceeding the amount payable by an owner owning that land and no other land); and 30

(e) if the lease provides for the fixing of re-appraised rents by the Minister—the lease contained the provisions set out in sub-sections (3), (4), (5) and (6).

(3) The rent under a lease to which sub-section (2) (e) applies shall be re-appraised at the times referred to in the lease if the lessor gives notice in writing to the lessee not less than three months before any such time. 35

(4) The amount of the re-appraised rent shall be—

(a) the amount agreed between the lessor and the lessee; or

(b) failing agreement within one month after the giving of the notice referred to in sub-section (3), such amount as is determined by a certified valuer appointed at the request of the lessor or lessee by the President of the Victorian Division of the Australian Institute of Valuers. 40

(5) A valuer appointed in accordance with sub-section (4) must determine the amount of the re-appraised rent having regard to the market rental value of the land subject to the lease, disregarding any improvements by the lessee that the lessee is entitled to remove.

5 (6) If a valuer is appointed in accordance with sub-section (4), the parties to the lease are jointly and severally liable to pay the fee of the valuer.”.

PART 3—LANDS (MISCELLANEOUS MATTERS)

Revocation of permanent reservations.

10 4. The Orders in Council and the Crown Grant specified in Schedule 1 are revoked to the extent that they apply to the land shown hatched on the plans in Schedules 2, 3 and 4 and in the Fourth Schedule to the *Port of Geelong Authority Act 1958*.

Lands deemed to be unalienated land of the Crown.

15 5. Notwithstanding any law to the contrary, the land shown hatched on the plans in Schedules 2, 3 and 4 is deemed to be unalienated land of the Crown free from all interests and encumbrances.

Repeal of *Geelong (Market Site) Land Act 1963*.

6. (1) The *Geelong (Market Site) Land Act 1963* is repealed.

20 (2) The land described in the Schedule to the *Geelong (Market Site) Land Act 1963* is deemed to be unalienated land of the Crown, free from all interests and encumbrances.

Amendment to the *Port of Geelong Authority Act 1958*.

7. In the *Port of Geelong Authority Act 1958*—

25 (a) in section 3, in the definition of “The port”, after paragraph (b), insert—

“and

(c) any lands described in the Fourth Schedule.”;

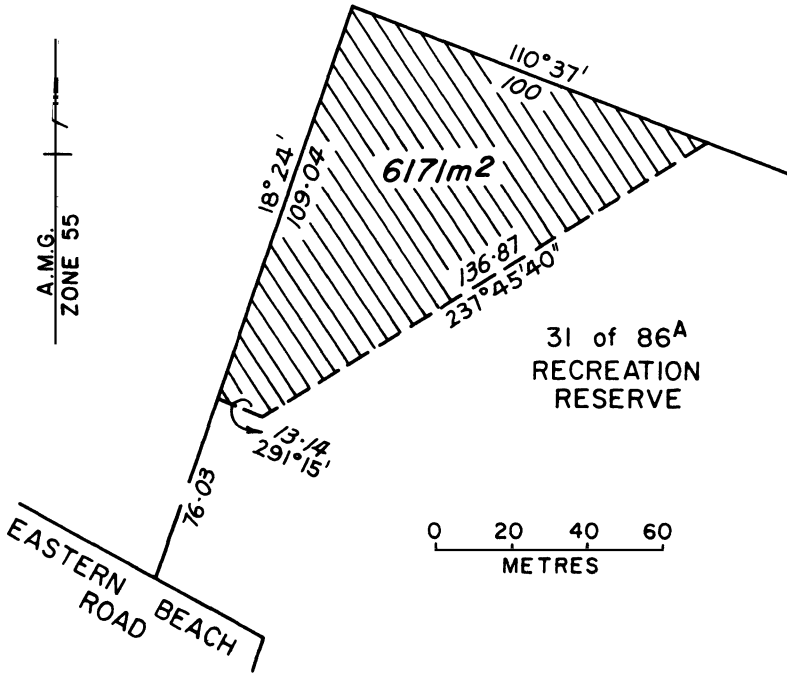
(b) after section 21 (1), insert—

30 “(1A) The land described in the Fourth Schedule vests in the Authority upon trust for the purposes of this Act, but subject to the right of the Crown to resume possession at any time without payment of compensation of any land required for giving ingress, egress and regress to and from
35 the shore.”;

(c) after the Third Schedule, insert—

“

FOURTH SCHEDULE



”

Vesting of land described in Item 1 of Schedule 1 of Land (Miscellaneous Matters) Act 1986.

5

8. The land referred to in Item One of Schedule One of the Land (Miscellaneous Matters) Act 1986 is by virtue of this section vested in the State Transport Authority.

Glastonbury Children’s Home Land.

10

9. (1) The land referred to in Item Two of Schedule One of the Land (Miscellaneous Matters) Act 1986 is to be granted by the Governor in Council in fee simple to the Glastonbury Child and Family Services subject to any conditions, reservations or exceptions that the Governor in Council thinks fit.

15

(2) The Glastonbury Child and Family Services may sell and transfer the land, or any part of the land, granted to it under sub-section (1) on any terms and subject to any conditions and exceptions that it thinks fit.

(3) The proceeds of any sale made under sub-section (2) must be applied to the provision and development of the child and family support services of the Glastonbury Child and Family Services.

No compensation payable by Crown.

5 **10.** No compensation is payable by the Crown in respect of anything done under or arising out of this Act.

=====

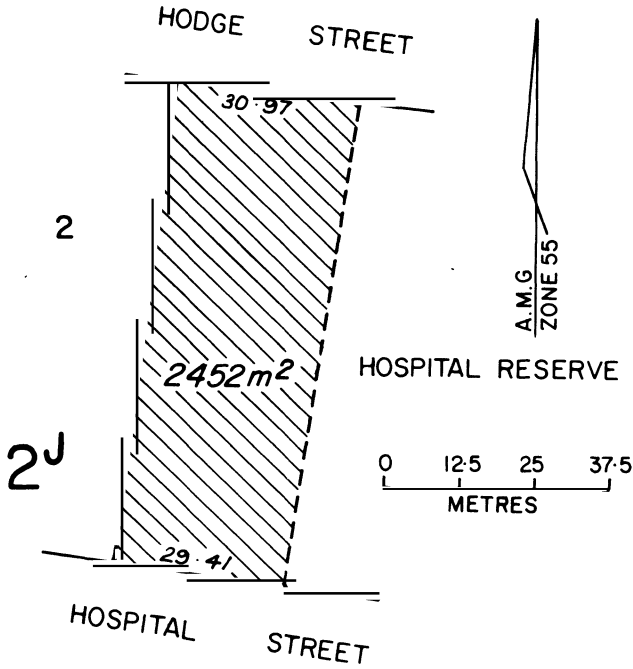
SCHEDULE 1

LANDS IN RESPECT OF WHICH THE PERMANENT RESERVATIONS AND CROWN GRANT ARE REVOKED

<i>Situation and Area of Land</i>	<i>Instrument and Date of Reservation</i>	<i>Description of Land by reference to Government Gazette</i>	<i>Particulars of Registration of Crown Grant</i>	<i>Purpose of Reservation</i>	<i>Portion as to which Reservation and Crown Grant are revoked</i>
Item 1. Parish of Wombat (formerly municipal district of Daylesford) 2·314 hectares less excision authorized by Act No. 8847	Order in Council 17 February 1879	<i>Government Gazette</i> 24 January 1879 page 216 and 21 February 1879 page 418	Crown Grant Volume 1114 Folium 684	Site for a Hospital	See Schedule 2
Item 2. Township of Sorrento 4·350 hectares	Order in Council 17 November 1870	<i>Government Gazette</i> 8 May 1874 page 870 and 27 November 1874 page 2081	No Crown Grant	Site for a Public Park	See Schedule 3
Item 3. City of Geelong, Parish of Corio, 16·68 hectares	Order in Council 21 May 1929	<i>Government Gazette</i> 17 April 1929 page 1289 and 29 May 1929 page 1596	No Crown Grant	Site for the Recreation, Convenience and Amusement of the People	See Fourth Schedule to the <i>Port of Geelong Authority Act 1958</i>
Item 4. Township of Marysville	Order in Council 1 December 1981	<i>Government Gazette</i> 9 December 1981 page 4106	No Crown Grant	Site for the Conservation of an Area of Natural Interest	See Schedule 4

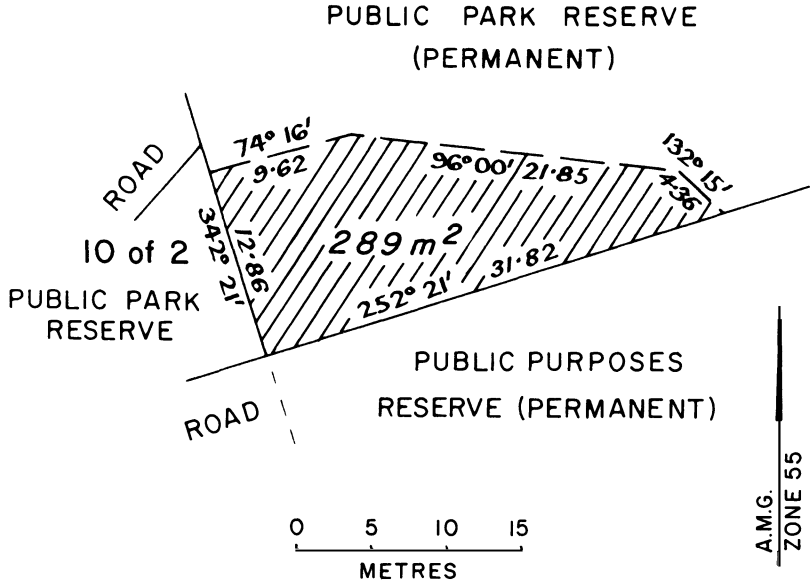
SCHEDULE 2

Land, being part of the land referred to in Item 1 of Schedule 1, in respect of which the Order referred to in that Item is revoked.



SCHEDULE 3

Land, being part of the land referred to in Item 2 of Schedule 1, in respect of which the Order referred to in that Item is revoked.

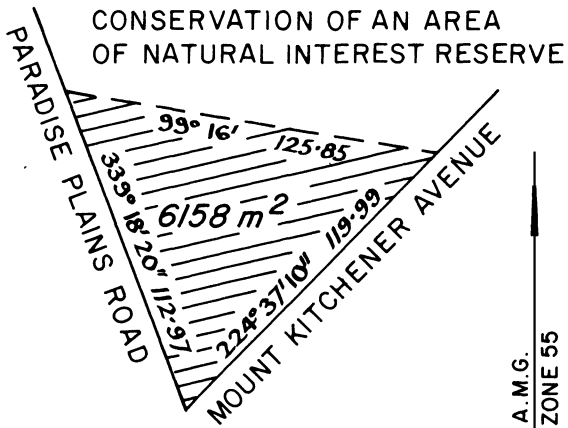


SCHEDULE 4

Land, being part of the land referred to in Item 4 of Schedule 1, in respect of which the Order referred to in that Item is revoked.

4

19



A.M.G.
ZONE 55



