

Land (Revocations and Other Matters) Bill

No.

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By Authority L. V. North, Government Printer Melbourne

LEGISLATIVE ASSEMBLY

Read 1° 9 October 1991

(Brought in by Mr Crabb and Mr Kennan)

A BILL

to revoke the permanent reservations of certain Crown land, to revoke the reservations and Crown grants of certain other land, to repeal the **Belmont Common Recreation Ground Lands Act 1969** and for other purposes.

Land (Revocations and Other Matters) Act 1991

The Parliament of Victoria enacts as follows:

PART 1—PURPOSE AND COMMENCEMENT

1. *Purposes*

The purposes of this Act are—

- 5 (a) to revoke the permanent reservations of certain lands;
- (b) to revoke the reservations and Crown grants of other lands;
- 10 (c) to repeal the **Belmont Common Recreation Ground Lands Act 1969**.

Section headings appear in bold italics and are not part of the Act (see **Interpretation of Legislation Act 1984**).

2. Commencement

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

PART 2—WESTERFOLDS PARK

3. Revocation of reservation

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(1) The Order in Council specified in item 1 of Schedule 1 is revoked to the extent that it applies to the lands shown hatched on the plan in Schedule 2.

(2) Any Order in Council made under section 18 of the **Crown Land (Reserves) Act 1978** and existing at the date of commencement of this Act, under which the land shown hatched on the plan in Schedule 2 is placed under the control and management of the Melbourne and Metropolitan Board of Works, is revoked, and the control and management of that land reverts to the Crown.

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PART 3—ALBERT PARK

3. Revocation of reservation

(1) The Order in Council specified in item 2 of Schedule 1 is revoked to the extent that it applies to the land shown hatched on the plan in Schedule 3.

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(2) Despite sub-section (1) and section 8, the land shown hatched on the plan in Schedule 3 remains vested in the Public Transport Corporation.

PART 4—BEECHWORTH LAND

5. Revocation of reservations—Beechworth Hospital site

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The Orders in Council specified in items 3 and 4 of Schedule 1 are revoked.

PART 5—PORT FAIRY LAND

6. *Revocation of reservation and Crown grant*

- (1) The Order in Council specified in item 5 of Schedule 1 is revoked.
- 5 (2) Crown grant Volume 1347 Folio 693 is revoked.

PART 6—GENERAL

7. *Repeal of Belmont Common Recreation Ground Lands Act 1969*

10 The **Belmont Common Recreation Ground Lands Act 1969** is repealed.

8. *Consequences of revoking reservations*

On the revocation by this Act of an Order in Council reserving land—

- 15 (a) the land is deemed to be unalienated land of the Crown, freed and discharged from all trusts, limitations, reservations, restrictions, encumbrances, estates and interests;
- (b) the appointment of any committee of management is revoked to the extent that it relates to that land;
- 20 (c) any regulations made under section 13 of the **Crown Land (Reserves) Act 1978** are revoked to the extent that they apply to the land.

9. *No compensation payable by Crown*

25 Except as provided in any agreement under section 45 of the **Transport Act 1983** concerning any land shown hatched on a plan in Schedule 2 or 3, no compensation is payable by the Crown in respect of anything done under or arising out this Act.

10. Supreme Court—limitation of jurisdiction

It is the intention of this section to alter or vary section 85 of the **Constitution Act 1975** to the extent necessary to prevent the Supreme Court awarding compensation in respect of anything done under or arising out of this Act, except in relation to any agreement under section 45 of the **Transport Act 1983** concerning any land shown hatched on a plan in Schedule 2 or 3. 5

11. Registrar-General and Registrar of Titles to make necessary amendments to records 10

- (1) The Registrar-General must make all entries on the records of enrolment of any Crown Grant and on any memorial relating to land that are necessary because of the operation of any provision of this Act.
- (2) The Registrar of Titles must make any amendments to the Register under the **Transfer of Land Act 1958** that are necessary because of any provision of this Act. 15
- (3) If at the date of commencement of this Act, section 7 of the **Transfer of Land (Computer Register) Act 1989** is not in operation, then until that section comes into operation, sub-section (2) of this section has effect as if it read as follows: 20
 - “(2) The Registrar of Titles must make any amendments to the Register Book and to any Crown Grant, duplicate Crown Grant, certificate of title, duplicate certificate of title, or other instrument or duplicate instrument that are necessary because of the operation of any provision of this Act.” 25

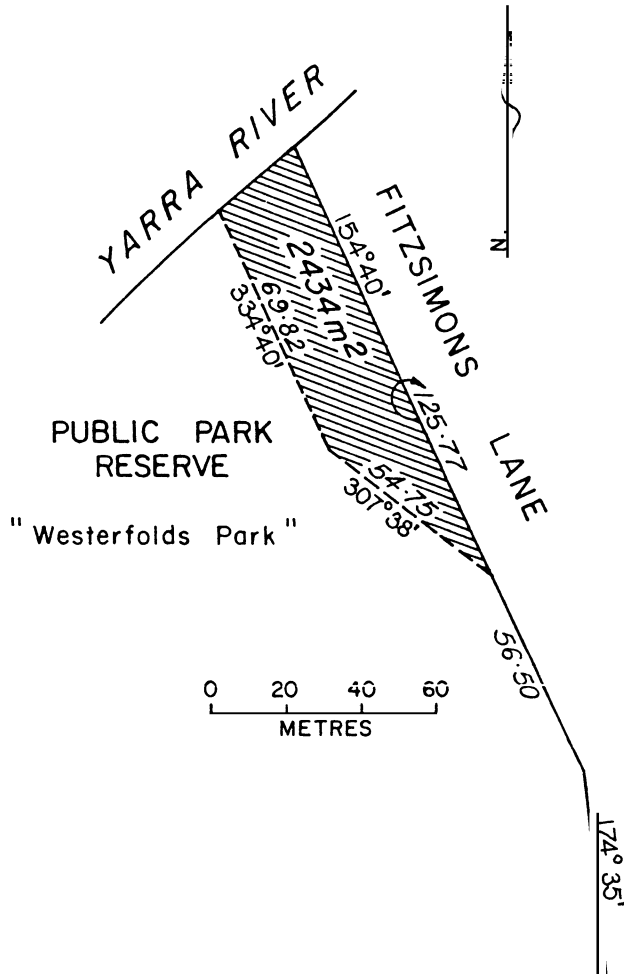
SCHEDULES

SCHEDULE 1

LAND IN RESPECT OF WHICH THE RESERVATIONS ARE REVOKED

Item	Situation and Area of Land	Instrument and Date of Reservation	Description of Land by Reference to	Purpose of Reservation	Extent of Revocation
1.	Parish of Bulleen County of Bourke 123 hectares more or less	Order in Council 18 March 1982	Government Gazette 24 March 1982 page 840	Site for Public Park	See plan in Schedule 2
2.	City of South Melbourne and at St Kilda, Parish of Melbourne South, County of Bourke, 230.7 hectares more or less, less excisions authorised by various Acts	Order in Council 21 March 1876	Government Gazettes 21 January 1876 page 96 and 24 March 1876 page 568	Site for Public Park	See plan in Schedule 3
3.	Parish of Beechworth County of Bogong 8.084 hectares	Order in Council 21 July 1911	Government Gazette 14 June 1911 page 2745 and 26 July 1911 page 3902	Site for a Hospital for the Insane	The entire reserve
4.	Parish of Beechworth County of Bogong 3.372 hectares	Order in Council 2 December 1912	Government Gazette 9 October 1912 page 4140 and 11 December 1912 page 5189	Site for a Hospital for the Insane	The entire reserve
5.	Parish of Belfast, County of Villiers 728 square metres, being Crown Allotment 70	Order in Council 5 December 1881	Government Gazette 11 November 1881 page 3086 9 December 1881 page 3493	Site for Municipal Offices	The entire reserve

SCHEDULE 2
WESTERFOLDS PARK



SCHEDULE 3

ALBERT PARK

