

LEGISLATIVE COUNCIL

Read 1° 29 October 1985

(Brought in by the Honourable J. E. Kirner)

A BILL

to close a portion of a road in Geelong, to repeal Act 21 Victoria No. 11 and the *Newmarket Sheep Sales Act 1974*, to amend the *Local Government Act 1890* and the *Local Government Act 1958*, to revoke the permanent reservation of certain lands and for other purposes.

Land (Miscellaneous Matters) Act 1985

Preamble.

WHEREAS:

- 5 (a) the land described in the Proclamation of the Governor in Council made on 21 August 1893 and published in the *Government Gazette* of 25 August 1893 is part of a road in the City of Geelong known as Moorabool Street; and
- (b) it is expedient that that part of the road be closed:

10 And whereas the lands referred to in Part I of the Schedule have been permanently reserved for the purposes and in accordance with the particulars set out in that Part:

And whereas by the Crown grant specified in item one of Part I of the Schedule the land referred to there has been granted to trustees on trust for the purposes for which the said land was reserved:

15 And whereas the land referred to in item six of Part I of the Schedule is required for other purposes:

And whereas those parts of the lands referred to in Part I of the Schedule which are delineated and shown hatched on the plans in Parts II, III, IV, V and VI of the Schedule are required for other purposes:

And whereas it is expedient to provide:

- (a) that the Crown grant specified in item one of Part I of the Schedule insofar as it relates to the land delineated and shown hatched on the plan in Part II of the Schedule should be revoked; and
- (b) that the permanent reservations of the lands delineated and shown hatched on the plans in Parts II, III, IV, V and VI of the Schedule and of the land referred to in item six of Part I of the Schedule should be revoked; and 5
- (c) that the land referred to in item six of Part I of the Schedule and the lands delineated and shown hatched on the plans in Parts II, III, IV, V and VI of the Schedule should become unalienated lands of the Crown: 10

And whereas by a Crown Grant under the public seal of the Colony of Victoria and dated 30 August 1856, the land described in Part VII of the Schedule has been granted to the Mayor Alderman Councillors and Citizens of the City of Melbourne and their successors as and for a Cattle Market: 15

And whereas under Act 21 Victoria No. 11 the land described in Part VII. of the Schedule is the only place within the City of Melbourne and within the limits described in the Last Schedule to that Act where any market for the sale of any neat cattle or sheep lamb pig or goat shall be held or kept: 20

And whereas by a Crown Grant under the public seal of the colony of Victoria and dated 30 August 1856, the land described in Part VIII. of the Schedule has been granted to the Mayor Alderman Councillors and Citizens of the City of Melbourne and their successors for the purpose of being used as a place where cattle may be slaughtered: 25

And whereas it is expedient to provide that the Lord Mayor Councillors and Citizens of Melbourne may surrender to the Crown the land described in Part VII. and Part VIII. of the Schedule: 30

The Parliament of Victoria therefore enacts as follows:

Purpose.

1. The purposes of this Act are—
- (a) to close part of a road in Geelong; and
- (b) to revoke a Crown grant; and 35
- (c) to revoke the permanent reservations of certain lands; and
- (d) to declare certain lands to be unalienated lands of the Crown; and
- (e) to permit the Lord Mayor, Councillors and Citizens of the City of Melbourne to surrender certain land to the Crown and to repeal certain related Acts. 40

Commencement.

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

Closure of part of Moorabool Street Geelong.

5 3. (1) The land described in the Proclamation of the Governor in
Council made on 21 August 1893 and published in the *Government*
10 *Gazette* of 25 August 1893 at page 3646 shall be closed as a road and all
rights, easements and privileges existing or claimed either in the public
or by any body or person whatsoever or whomsoever as incident to
any past dedication of that land (including the dedication under that
proclamation) or by user of that land or by any fiction of law shall cease
and determine.

15 (2) The Registrar-General and the Registrar of Titles are hereby
authorized and directed to make all entries or endorsements on any
certificate of title and its duplicate, on any conveyance and on any
other document which are necessary or expedient in consequence of
this section, and the holder of the duplicate certificate of title or other
document shall produce it to the Registrar-General or the Registrar of
Titles (as the case may be) for that purpose.

20 (3) The Proclamation of the Governor in Council made on 21
August 1893 and published in the *Government Gazette* of 25 August
1893 at page 3646, which proclaimed the land described to in that
Proclamation to be a street, is revoked.

Surrender of land and extinguishment of market.

25 4. (1) The Lord Mayor Councillors and Citizens of the City of
Melbourne are authorized to surrender to the Crown the land described
in Part VII. of the Schedule and the land described in Part VIII. of the
Schedule.

30 (2) Upon registration in the Office of Titles or in the Office of the
Registrar-General of a transfer and surrender or of a conveyance to
Her Majesty under the authority in sub-section (1) of the land described
in Part VII. of the Schedule or of the land described in Part VIII. of the
Schedule, the land described in that Part shall be deemed to be
35 unalienated land of the Crown freed and discharged from all trusts,
encumbrances, reservations, limitations and restrictions whatsoever
and from every estate and interest in that land.

40 (3) In addition to the provisions of sub-section (2) and
notwithstanding anything to the contrary in any Act, or in any deed,
grant or franchise or any custom, right of prescription, right of user or
rule of law to the contrary—

(a) the market previously conducted on the land described in
Part VII. of the Schedule is extinguished; and

- (b) no person has any right or liberty to enter on or frequent that land for the purpose of bringing there or exposing for sale or selling or buying any neat cattle, sheep, pig, lamb or goat.

Repeal and amendment of Acts.

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5. (1) Act 21 Victoria No. 11 is repealed but the repeal does not in any way affect the validity of the Crown grants referred to in section I of that Act, which are hereby declared to be and always to have been valid.

(2) The *Newmarket Sheep Sales Act 1974* is repealed.

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(3) In section 758 (2) of the *Local Government Act 1958*, omit “within the limits described in the last Schedule to the Act 21 Victoria No. 11, or”.

(4) In section 483 of the *Local Government Act 1890*, omit “within the limits described in the last Schedule to the Act passed in the twenty-first year of Her present Majesty and numbered XI, or”.

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Revocation of Permanent Reservations and Crown Grant.

6. Section 86 (1) (b) of the *Cemeteries Act 1958* and the Orders in Council and the Crown Grant specified in Part I of the Schedule insofar as they relate to the lands delineated and shown hatched on the plans in Parts II, III, IV, V and VI of the Schedule and the Order in Council specified in item six of Part I of the Schedule, which relates to the land referred to in that item and any other Order in Council or Proclamation, insofar as it reserves or affects any of those lands, are revoked.

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Lands deemed to be unalienated lands of the crown.

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7. Notwithstanding anything to the contrary in any Act, the land referred to in item six of Part I of the Schedule and those parts of the land referred to in Part I of the Schedule which are delineated and shown hatched on the plans in Parts II, III, IV, V and VI of the Schedule shall become and be deemed to be unalienated land of the Crown, freed and discharged from all Trusts, encumbrances, reservations, limitations and restrictions whatsoever and from every estate and interest in those lands.

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No compensation payable by Crown.

8. No compensation shall be payable by the Crown in respect of any act matter or thing done under or arising out of this Act.

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SCHEDULE

PART I.

Lands in respect of which the Permanent Reservations and Crown Grant are Revoked by this Act

<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>
<p>Item One. Parishes of Lockwood and Mandurang 1770 hectares more or less, less excisions authorized by Acts Numbers 1504, 2098, 2793, 7470, 9094, and 9641.</p>	Order in Council 16 January 1883.	<i>Government Gazette</i> 8 December 1882, page 2833, and 19 January 1883, page 96.	Crown Grant Volume 2614 Folio 760.	Site for Victorian Water Supply purposes.	See Part II of this Schedule.
<p>Item Two. Certain rivers creeks lakes or other watercourses.</p>	Order in Council 23 May 1881.	<i>Government Gazette</i> 4 March 1881, page 691 (item 49A) and 27 May 1881, page 1389.	No Crown Grant.	Site for Public purposes.	See Part III of this Schedule.
<p>Item Three. Parish of Will-will-rook, 152.9 hectares less excision authorised by Acts Nos. 9415 and 9922.</p>	<i>Cemeteries Act</i> 1958 section 86 (1) (b).		No Crown Grant.	Place for Interment of the dead.	See Part IV of this Schedule.
<p>Item Four. City of Melbourne, Parish of Melbourne South, 95 hectares more or less, from which authorized excisions are to be subtracted.</p>	Order in Council, 29 September 1873.	<i>Government Gazette</i> 5 August 1873, page 1463 and 10 October 1873, page 1775.	No Crown Grant.	Site for Public Park and Gardens.	See Part V of this Schedule.
<p>Item Five. Parishes of Tarneit and Deutgam, 472.6 hectares, being Crown allotments 1 and 1A of Section C, Parish of Deutgam and Crown allotment 9 of section B, Parish of Tarneit, less excisions authorized by Acts Numbers 8881 and 9922.</p>	Order in Council 6 July 1927.	<i>Government Gazette</i> 8 June 1927, pages 1883-1884 and 13 July 1927, page 2142.	No Crown Grant.	Site for State Research Farm (Agricultural).	See Part VI of this Schedule.
<p>Item Six. Parish of Douтта Galla, 1.295 hectares, less excision authorised by Act No. 7552.</p>	Order in Council 14 January 1964.	<i>Government Gazette</i> 4 December 1963, page 3582 and 22 January 1964, page 172.	No Crown Grant.	Site for Public Recreation.	The whole.

1985

Land (Miscellaneous Matters)

No.

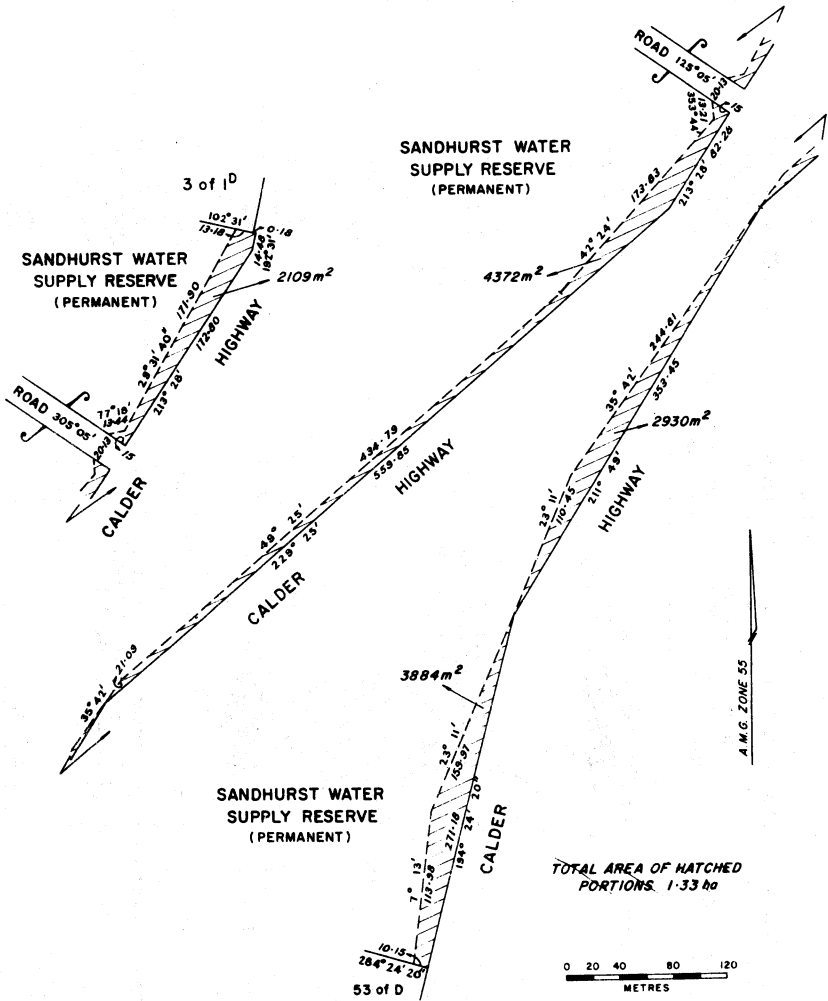
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SCHEDULE—continued

PART II.

Land, being part of the land referred to in item one of Part I of this Schedule, in respect of which the Order and Crown Grant referred to in that item are revoked

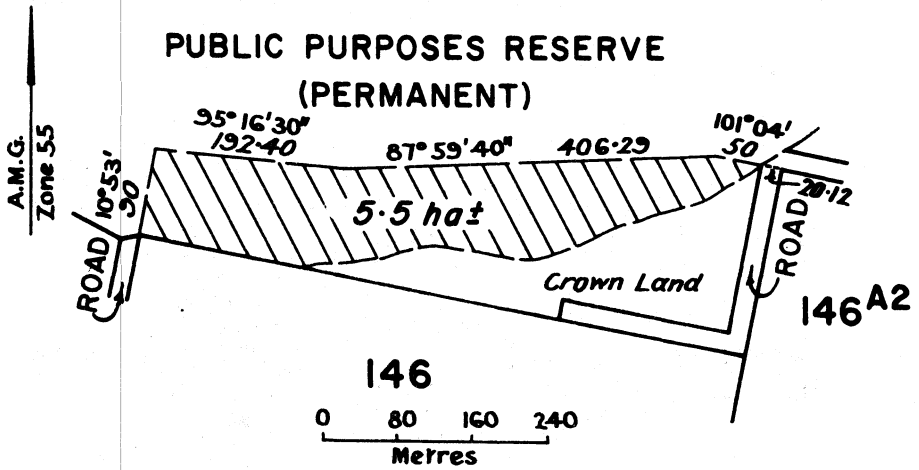
1.33 hectares, Parish of Mandurang



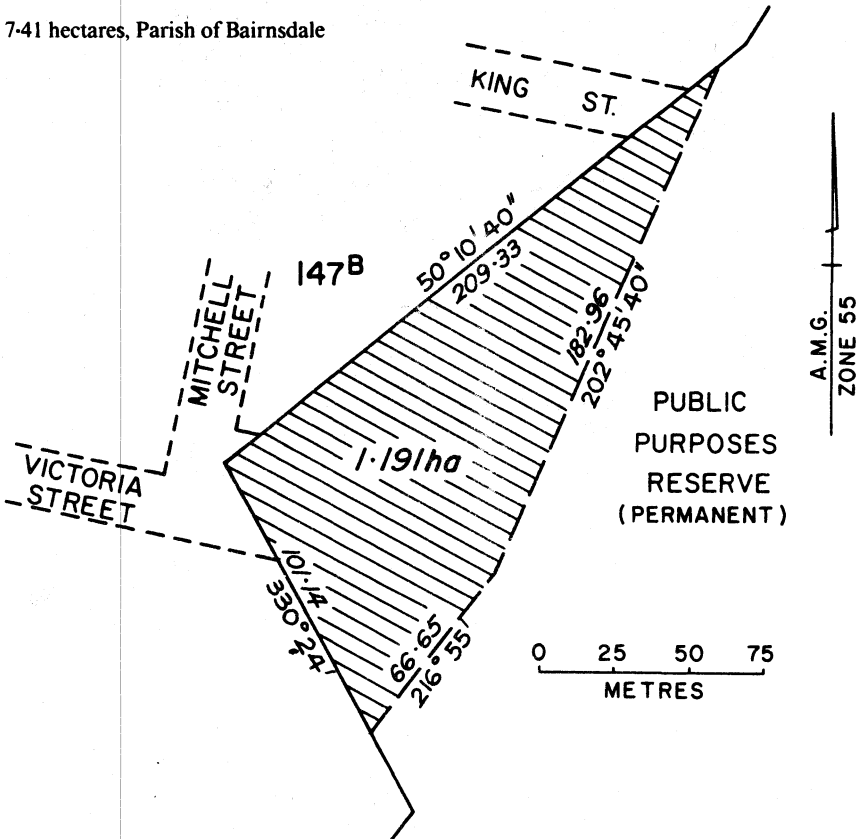
SCHEDULE—continued

PART III.

Land, being part of the land referred to in item two of Part I of this Schedule, in respect of which the Order referred to in that item is revoked



7.41 hectares, Parish of Bairnsdale

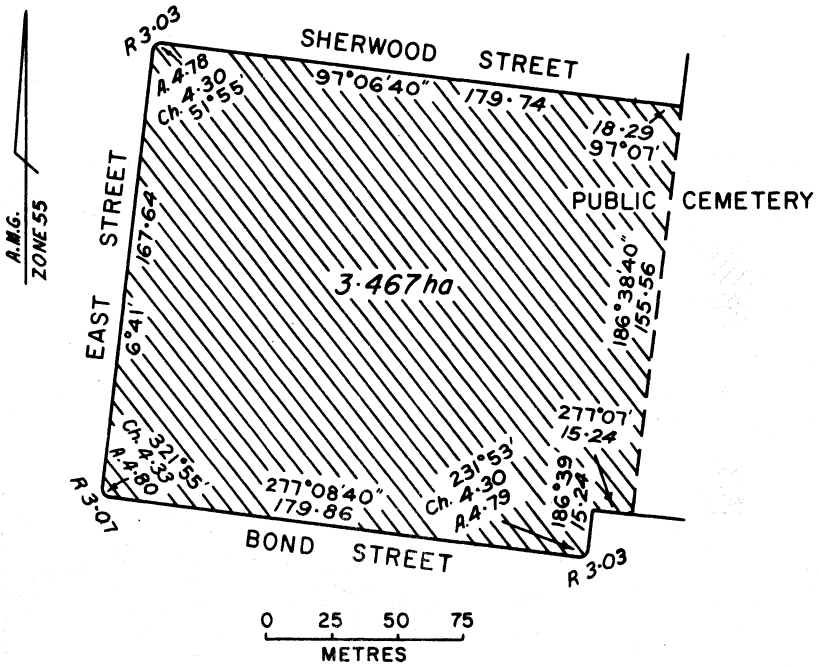


SCHEDULE—continued

PART IV.

Land, being part of the land referred to in item three of Part I of this Schedule, in respect of which reservation made by section 86 (1) (b) of the *Cemeteries Act 1958* is revoked

3.467 hectares, Parish of Will-will-rook

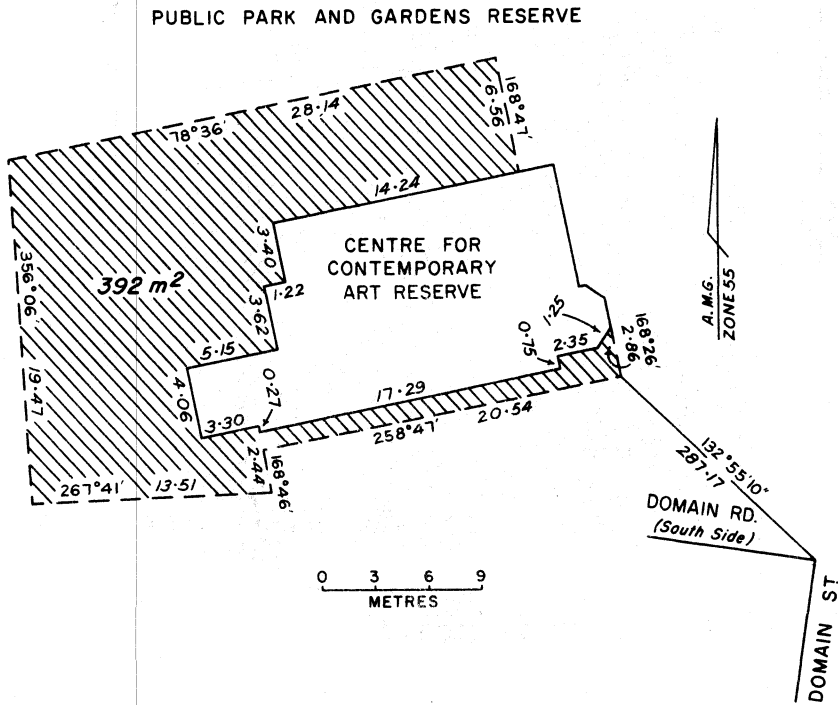


SCHEDULE—continued

PART V.

Land, being part of the land referred to in item four of Part I of this Schedule, in respect of which the Order referred to in that item is revoked

392 square metres, Parish of Melbourne South.

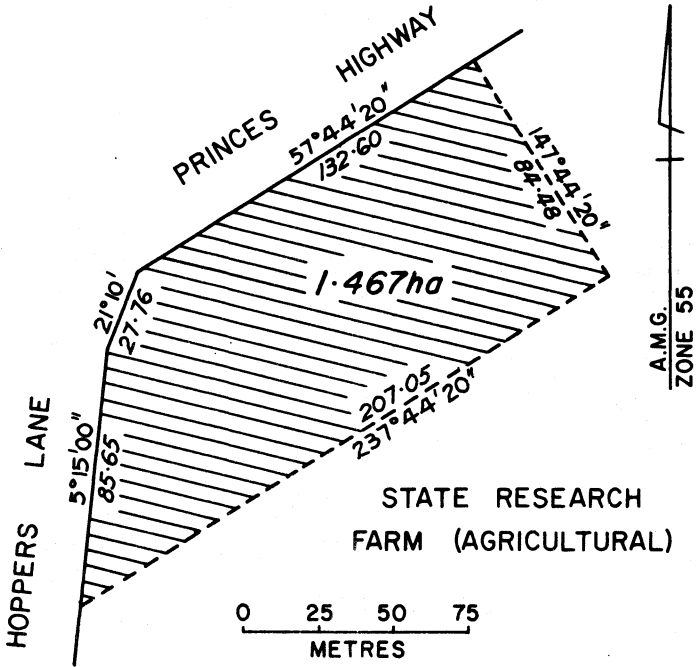


SCHEDULE—continued

PART VI.

Land, being part of the land referred to in item five of Part I of this Schedule, in respect of which the Order referred to in that item is revoked

1.467 hectares, Parish of Tarneit



SCHEDULE—continued**PART VII.**

Land referred to in section 4 of this Act which may be surrendered by the Lord Mayor Councillors and Citizens of the City of Melbourne to the Crown.

All that piece or parcel of land situate in the country of Bourke parish of Dousta Galla portion B commencing at a point on the Melbourne and Geelong road bearing north forty-two degrees thirty minutes east from the north-west corner of portion A one chain bounded on the north-west by the said road one chain fifty links wide bearing north forty-two degrees thirty minutes east twelve chains seven links on the north by a road one chain fifty links wide bearing east eighteen chains thirty-eight links on the south-east by a line bearing south forty-two degrees thirty minutes west twenty-five chains seven links to a road one chain wide and on the south-west by that road bearing north forty-six degrees thirty minutes west thirteen chains to the commencing point and the piece thereto adjacent.

PART VIII.

Land referred to in section 4 of this Act which may be surrendered by the Lord Mayor Councillors and Citizens of the City of Melbourne to the Crown.

Commencing at the south-west corner at a point on the east bank of the Saltwater River bounded on the north-west by the Melbourne and Geelong road one chain fifty links wide bearing north forty-two degrees thirty minutes east fifty-one chains ninety-six links on the north-east by a road one chain wide bearing south forty-six degrees thirty minutes east twelve chains forty links on the south-east by portion twenty-two bearing south forty-five degrees west forty-eight chains eighty-five links to the Saltwater River and on the south-west by that river north-westerly to the commencing point.