

# Land (Miscellaneous Matters) Bill

No.

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*Clause*

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# LEGISLATIVE ASSEMBLY

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Read 1° 21 April 1993

*(Brought in by Mr Coleman and Mr Gude)*

## A BILL

to revoke the permanent reservations of certain Crown lands, to revoke the permanent reservations and Crown grants of other lands, to amend the Crown grants of certain land, to amend the **Land Act 1958** and for other purposes.

### **Land (Miscellaneous Matters) Act 1993**

**The Parliament of Victoria enacts as follows:**

#### **PART 1—PRELIMINARY**

##### ***1. Purpose***

The purpose of this Act is to—

- 5           (a) revoke the permanent reservations of certain areas of land to facilitate the sale or improved use of the relevant land; and
- 10           (b) revoke the permanent reservations and Crown grants of certain areas of land to facilitate the sale of that land; and

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

- (c) amend the Crown grant relating to certain land; and
- (d) add certain areas of land to Schedule Two B of the **Land Act 1958** to facilitate its surrender to the Crown and re-reservation.

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**2. Commencement**

- (1) Section 5 of this Act comes into operation on a day to be proclaimed.
- (2) The remaining provisions of this Act come into operation on the day on which this Act receives the Royal Assent.

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**PART 2—PRINCE HENRY’S HOSPITAL LAND**

**3. Revocation of reservations and Crown grant**

- (1) The Orders in Council specified in items 1 to 4 of Schedule 1 are revoked.
- (2) Crown grant Volume 1823 Folio 512 is revoked.

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**PART 3—SOUTH MELBOURNE ABATTOIRS LAND**

**4. Power of surrender**

- (1) The registered proprietor of the land described in Folio of the Register Volume 7577 Folio 064 may surrender the land to the Crown.
- (2) This surrender does not affect the status or continuity of any lease existing over any part of that land immediately before the commencement of this section but that lease has effect as if—
  - (a) it were a lease between the Minister administering the **Land Act 1958** as lessor and the lessee for the time being under the lease and as if it had been assigned to the Minister; and
  - (b) a reference in clause 6 (b) of that lease to by-laws in relation to the lessor were a reference to the relevant municipal council.

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- (3) This section has effect despite anything to the contrary in any Act or law or in the Crown grant of the land.

**5. *Revocation of permanent reservation***

- 5 (1) The Order in Council specified in item 5 of Schedule 1 is revoked.
- (2) The revocation of the Order in Council specified in sub-section (1) does not affect the status or continuity of any lease existing over any part of the land immediately before the commencement of this section.

10 **PART 4—DRYSDALE FREE LIBRARY RESERVE**

**6. *Partial revocation of reservation***

The Order in Council specified in item 6 of Schedule 1 is revoked to the extent that it applies to the land shown hatched on the plan in Schedule 2.

15 **PART 5—GUNBOWER WEST LAND**

**7. *Revocation of permanent reservation***

- 20 (1) The Order in Council specified in item 7 of Schedule 1 is revoked.
- (2) This section has effect despite anything to the contrary in any recommendation of the Land Conservation Council under the **Land Conservation Act 1970** or to any notice under section 10 (3) of that Act.

**PART 6—POMPAPIEL LAND (NEAR DINGEE)**

**8. *Partial revocation of permanent reservation***

25 The Order in Council specified in item 8 of Schedule 1 is revoked to the extent that it applies to the land shown hatched on the plan in Schedule 3.

**PART 7—CARRAJUNG MECHANICS' INSTITUTE AND  
FREE LIBRARY RESERVE**

**9. *Revocation of permanent reservation***

The Order in Council specified in item 9 of Schedule 1 is revoked.

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**PART 8—LAEN MECHANICS' INSTITUTE AND FREE  
LIBRARY RESERVE**

**10. *Revocation of permanent reservation***

The Order in Council specified in item 10 of Schedule 1 is revoked.

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**PART 9—MILDURA SEWERAGE RESERVE LAND**

**11. *Partial revocation of permanent reservation***

The Order in Council specified in item 11 of Schedule 1 is revoked to the extent that it applies to the land shown hatched on the plan in Schedule 4.

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**PART 10—MYAMYN LAND**

**12. *Amendment to Land Act 1958***

In Schedule Two B of the **Land Act 1958**, after item 23 insert—

“23A. All that piece of land being part of Crown Allotment 4B, Section 6, Parish of Myamyn, and being the land for the time being described in Folio of the Register Volume 720 Folio 811.”

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**13. *Provisions concerning carriageway easement and mortgage***

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- (1) The Attorney-General may, under section 22c of the **Land Act 1958** authorise the surrender to the Crown of the land referred to in item 23A of Schedule Two B of the **Land Act 1958** and that land may be surrendered to

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90/1989,  
13/1990,  
92/1990 and  
48/1991.

the Crown in accordance with that Act despite the existence of the carriageway easement described in Instrument No. 547113 and the mortgage described in Instrument No. 196464.

- 5 (2) Without limiting section 22C of the **Land Act 1958**—
- (a) the easement referred to in Instrument No. 547113 is extinguished; and
  - (b) the mortgage described in Instrument No. 196464 is discharged—

10 on the registration under the **Transfer of Land Act 1958** of a transfer and surrender to the Crown of the land referred to in item 23A of Schedule Two B of the **Land Act 1958**.

#### **PART 11—OXLEY LAND**

15 **14. Power of surrender**

- (1) The registered proprietor of the land described in Folio of the Register Volume 5758 Folio 445 may surrender the land to the Crown.
- (2) This section has effect despite anything to the contrary in any Act or law or in the Folio of the Register of that land.

#### **PART 12—PEECHELBA AND CARRAJUNG LANDS**

25 **15. Amendment of Schedule Two B of the Land Act 1958**

In Schedule Two B of the **Land Act 1958**, after item 24, insert—

25 “25. All that piece of land being Crown Allotment 3, Section 3, Township of Carrajung, Parish of Carrajung, and being all the land described in Folio of the Register Volume 3655 Folio 833.

30 26. All that piece of land being Crown Allotment 44c, Parish of Peechelba, County of Moira and being the land described in Folio of the Register Volume 5839 Folio 763.”

**16. Surrender of Peechelba Land**

The land described in item 26 of Schedule Two B of the **Land Act 1958** may be surrendered in accordance with sections 22C to 22E of that Act despite anything to the contrary in any Act or law or the Folio of the Register of that land.

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**PART 13—GENERAL****17. Consequences of revocations**

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

(a) the land in respect of which the Order is revoked is—

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(i) deemed to be unalienated land of the Crown; and

(ii) subject to section 5 (2), is freed and discharged from all trusts, limitations, reservations, restrictions, encumbrances, estates and interests; and

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(b) if the land is vested in a municipal council under section 16 of the **Crown Land (Reserves) Act 1978** the management and control of that land is divested from that council; and

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(c) if the land has been placed under the control and management of a person or body under section 18 of the **Crown Land (Reserves) Act 1978**, its control and management is divested from that person or body and is vested in the Crown; and

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(d) the appointment of any committee of management is revoked to the extent that it relates to the land; and

(e) any regulations under section 13 of the **Crown Land (Reserves) Act 1978** are revoked to the extent that they apply to that land.

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**18. Registrar-General and Registrar of Titles to make necessary amendments to records**

(1) The Registrar-General must make all entries on the records of enrolment of any Crown grant and on any

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memorial relating to land that are necessary because of the operation of any provision of this Act.

- 5 (2) The Registrar of Titles, on being requested to do so and on submission of any relevant certificate of title or other document, must make any amendments in the Register under the provisions of the **Transfer of Land Act 1958** that are necessary because of the operation of any provision of this Act.

10 **19. No compensation payable by Crown**

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

15 **20. 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.

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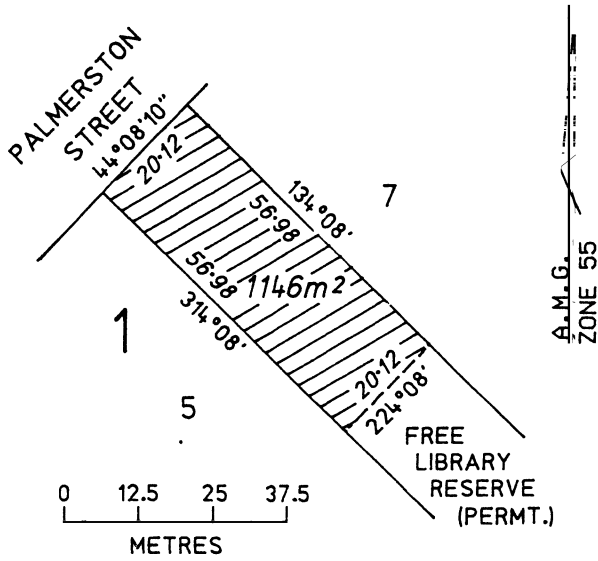
**SCHEDULES****SCHEDULE 1****Land in respect of which Reservations are Revoked**

<b>Item</b>	<b>Situation and area of land</b>	<b>Instrument and date of reservation</b>	<b>Description of Land by reference to Government Gazette</b>	<b>Purpose of reservation</b>	<b>Extent of revocation</b>
1.	City of South Melbourne Parish of Melbourne South 5716 square metres	Order in Council 20 July 1885	Government Gazettes dated 26 June 1885 page 1838 and 24 July 1885 page 2058	Site for Homoeopathic Hospital	The entire reserve
2.	City of South Melbourne Parish of Melbourne South 2777 square metres	Order in Council 11 March 1924	Government Gazettes dated 13 February 1924 page 646 and 19 March 1924 page 1130	Site for Hospital purposes	The entire reserve
3.	City of South Melbourne Parish of Melbourne South 6994 square metres	Order in Council 17 August 1942	Government Gazettes dated 5 August 1942 page 2872 and 19 August 1942 page 3136	Site for Hospital purposes	The entire reserve
4.	City of South Melbourne Parish of Melbourne South 1·841 hectares	Order in Council 27 June 1978	Government Gazettes dated 24 May 1978 page 1405 and 5 July 1978 page 2242	Site for Hospital purposes	The entire reserve
5.	City of South Melbourne, 2·204 hectares being Crown allotment 12 section 103 (less excision authorised by Act No. 7825.)	Order in Council 26 October 1903	Government Gazettes dated 16 September 1903 page 3045 and 4 November 1903 page 3574	Site for Abattoirs	The entire reserve

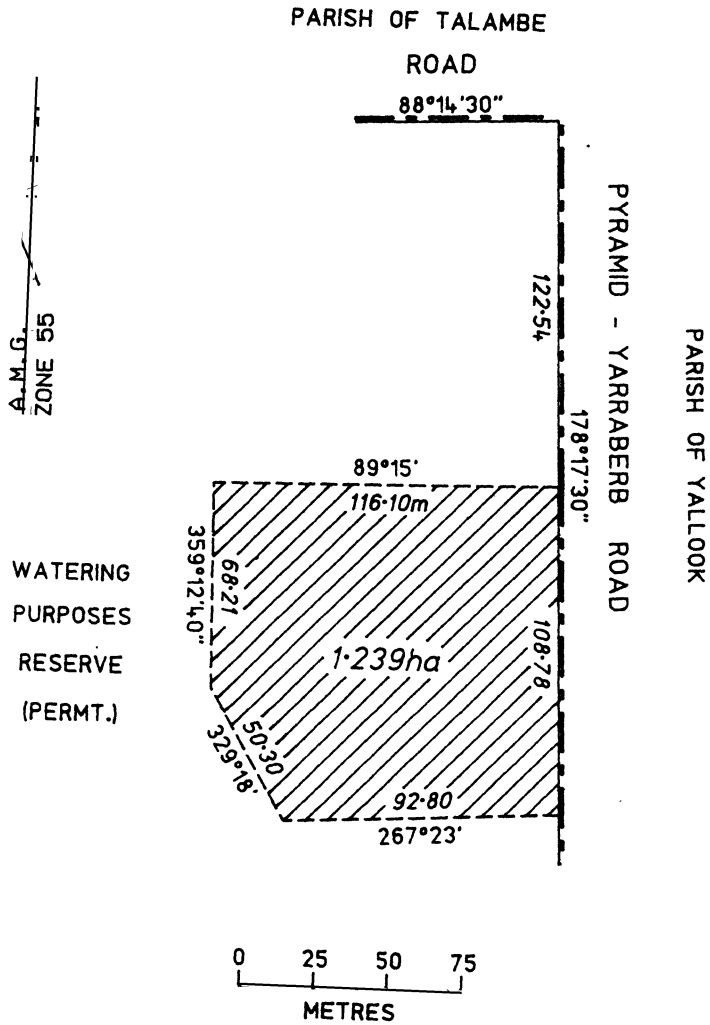
SCHEDULE 1—*continued*

6.	Township of Drysdale, Parish of Bellarine, County of Grant 2023 square metres being part Crown allotment 6 section 1	Order in Council 10 August 1885	Government Gazettes dated 17 July 1885, page 2012 and 14 August 1885 page 2257	Site for a Free Library	Part of the reserve being the land shown by hatching on the plan in Schedule 2
7.	Parish of Gunbower West, County of Gunbower, 3-9584 hectares being Crown allotment 10D section 4	Order in Council 24 December 1937	Government Gazette dated 30 December 1937 page 4560	Water supply purposes	The entire reserve
8.	Parish of Pompapiel County of Bendigo 19-83 hectares	Order in Council 7 March 1888	Government Gazettes dated 3 February 1888 page 407 and 9 March 1888 page 741	Site for Watering purposes	Part of the reserve being the land shown by hatching on the plan in Schedule 3
9.	Township of Carrajung Parish of Carrajung, County of Buln Buln, 2198 square metres being Crown allotment 2 section 3	Order in Council 21 August 1893	Government Gazettes dated 28 July 1893 page 3342 and 25 August 1893 page 3645	Site for Mechanics Institute and Free Library	The entire reserve
10.	Parish of Rich Avon West, County of Borung 1821 square metres	Order in Council 19 August 1895	Government Gazettes dated 19 July 1895 page 2735 and 23 August 1895 page 3058	Site for Mechanics Institute and Free Library	The entire reserve
11.	Town and Parish of Mildura, County of Karkaroc 111-7 hectares	Order in Council 24 February 1931	Government Gazettes dated 28 January 1931 page 282 and 4 March 1931 page 732	Site for public purposes (sewerage)	Part of the reserve being the land shown by hatching on the plan in Schedule 4

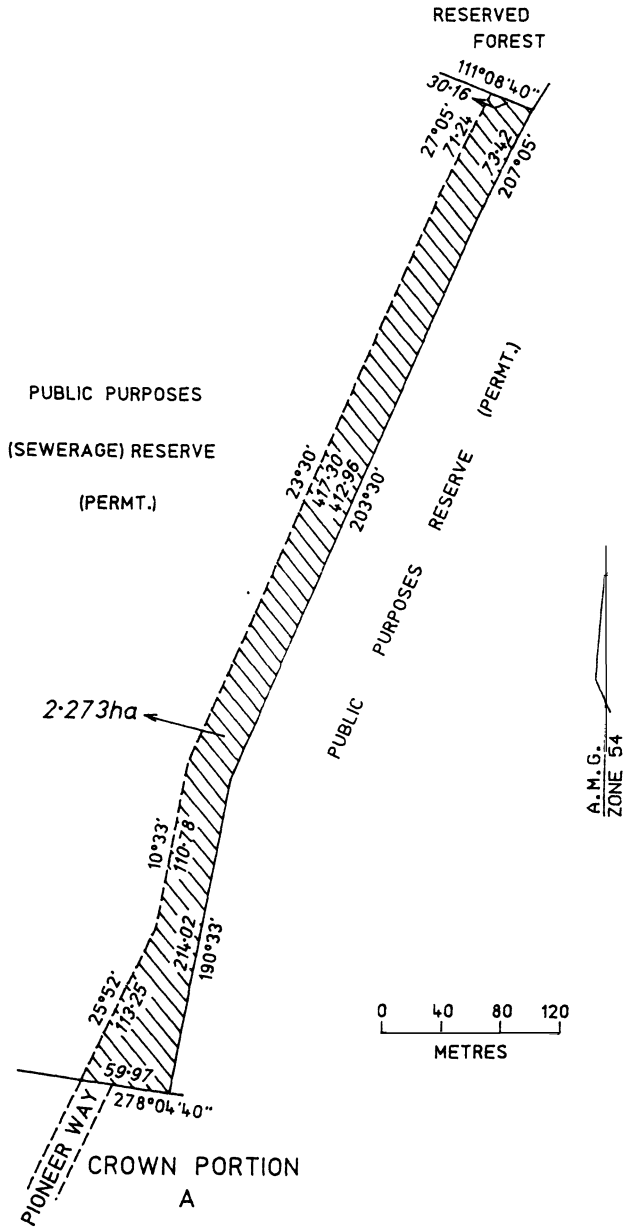
**SCHEDULE 2**  
Drysdale Free Library Reserve



**SCHEDULE 3**  
Pompapiel Land (Near Dingee)



**SCHEDULE 4**  
Mildura Sewerage Reserve Land



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