

# Land (Revocation of Reservations) Bill

No.

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*Clause*

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## SCHEDULE

Land in respect of which reservations are revoked

By Authority L. V. North, Government Printer Melbourne



# LEGISLATIVE ASSEMBLY

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Read 1° 20 May 1994

*(Brought in by Mr Smith (Polwarth) and Mr Coleman)*

## A BILL

to revoke the permanent reservations of certain lands, to authorise the sale of those lands, to amend the **Melbourne Market and Park Lands Act 1933**, the **Melbourne Lands and Market Sites Act 1991** and the **Melbourne University (VCAH) Act 1992**, to repeal the **Melbourne Market and Park Lands Act 1955** and for other purposes.

### **Land (Revocation of Reservations) Act 1994**

The Parliament of Victoria enacts as follows:

#### **PART 1—PRELIMINARY**

##### **1. *Purposes***

The purposes of this Act are to—

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- (a) revoke the reservations over the Southern Cross Hotel (Eastern Market) site, part of the site of the Melbourne University (Victoria College of Agriculture and Horticulture) formerly used by

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

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- the Institute of Plant Sciences and part of the site of the Lakeside Psychiatric Hospital; and
- (b) authorise the sale of those lands; and
- (c) amend the **Melbourne Market and Park Lands Act 1933** and repeal the **Melbourne Market and Park Lands Act 1955**; and
- (d) make provision for related matters.

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**2. Commencement**

- (1) Section 9 is deemed to have come into operation on 30 June 1992.
- (2) The remaining provisions of this Act come into operation on the day this Act receives the Royal Assent.

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**PART 2—REVOCATION OF RESERVATIONS****3. Revocation of reservation and Crown grant of Southern Cross Hotel (Eastern Market) site**

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- (1) The Order in Council specified in item 1 of the Schedule is revoked to the extent that it applies to the land in folio of the Register Volume 5914 Folio 754.
- (2) The Crown grant in folio of the Register Volume 5914 Folio 754 is revoked.

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**4. Partial revocation of reservation—Institute of Plant Sciences site**

- (1) On receiving a plan of survey, signed by the Surveyor-General, of the land bordered red on plan LEGL 91/47 lodged in the Central Plan Office, or that land as nearly as practicable, the Minister may recommend that the Governor in Council make an Order under this section.
- (2) On the Minister's recommendation, the Governor in Council, by Order published in the Government Gazette, may approve the plan of survey.

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(3) On the publication of the Order in the Government Gazette—

(a) the Order in Council specified in item 2 of the Schedule is revoked to the extent that it applies to the land shown in the plan of survey; and

(b) any right referred to in section 11 (14) of the **Melbourne University (VCAH) Act 1992** is extinguished to the extent that it may apply to the land shown in the plan of survey.

(4) This section applies despite anything to the contrary in the **Melbourne University (VCAH) Act 1992**.

**5. *Partial revocation of reservation—Lakeside Psychiatric Hospital site***

The Order in Council specified in item 3 of the Schedule is revoked to the extent that it applies to the land shown as allotment 15, section 11 on Certified Plan No. 112783 lodged in the Central Plan Office.

**PART 3—AMENDMENTS AND REPEALS**

**6. *Amendment of the Melbourne Market and Park Lands Act 1933***

Act No. 4183  
as amended  
by No.  
86/1991.

Sections 3 (3) and (5), the First Schedule and Part III of the Second Schedule of the **Melbourne Market and Park Lands Act 1933** are repealed.

**7. *Repeal of the Melbourne Market and Park Lands Act 1955***

Act No. 5913  
as amended  
by No.  
86/1991.

The **Melbourne Market and Park Lands Act 1955** is repealed.

**8. *Amendment of the Melbourne Lands and Market Sites Act 1991***

Act No.  
86/1991 as  
amended by  
No. 21/1992.

Section 5 and Parts 4 and 5 of the **Melbourne Lands and Market Sites Act 1991** are repealed.

**9. Amendment of the Melbourne University (VCAH) Act 1992**

In clause 6 of Part 1 of the Schedule to the **Melbourne University (VCAH) Act 1992**, for “temporarily” substitute “permanently”.

**PART 4—GENERAL**

**10. Consequences of revoking reservations**

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

- (a) that land is deemed to be unalienated land of the Crown, freed and discharged from all trusts, limitations, reservations, restrictions, encumbrances, estates and interests; and 10
- (b) the appointment of any committee of management of that land is revoked to the extent that it relates to that land; and 15
- (c) any regulations under section 13 of the **Crown Land (Reserves) Act 1978** are revoked to the extent that they apply to that land.

**11. Sale of sites**

- (1) The Minister, on behalf of the Crown, may sell to a person or body approved by the Minister, all or part of—
  - (a) the land described in folio of the Register Volume 5914 Folio 754; 25
  - (b) the land shown on the plan of survey referred to in section 4;
  - (c) the land shown as allotment 15, section 11 on Certified Plan No. 112783 lodged in the Central Plan Office. 30
- (2) A sale may be for any consideration or on any other terms and conditions that may be determined by the Minister.

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- (3) The Minister, on behalf of the Crown, may execute any document or do anything else necessary to give effect to a sale.
  - (4) The proceeds of a sale of land under this section must be paid into the Consolidated Fund.
  - (5) A Crown grant cannot be issued to the purchaser of land referred to in sub-section (1) (b) until a plan of survey of the land is approved by the Governor in Council under section 4 (2).

10      **12. *Registrar-General and Registrar of Titles to make necessary amendments***

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- (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 the operation of any provision of this Act.

20      **13. *No compensation payable by Crown***

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

25      **14. *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.

**SCHEDULE****Land in respect of which reservations are revoked**

<i>Item</i>	<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>Purpose of reservation</i>	<i>Extent of revocation</i>
1.	City of Melbourne, Parish of Melbourne North, County of Bourke. 9611m <sup>2</sup>	Order in Council dated 1 May 1934 and Act No. 5913	Government Gazette dated 28 March 1934 p. 735 and 9 May 1934 p. 971	Site for municipal and other purposes	The land in Crown grant Volume 5914 Folio 754.
2.	City of Richmond, Parish of Jika Jika, 11.2 ha. being Crown Allotment 16F	Orders in Council dated 20 July 1885 and 17 August 1885	Government Gazettes dated 24 July 1885 p. 2058 and 21 August 1885 p. 2401.	Site for gardens	The land shown in the plan of survey under section 4.
3.	Parish of Cardigan, County of Grenville, 40.47 ha. being Crown allotments 14 and 15 (formerly allotment 14), section 11	Order in Council dated 4 February 1867	Government Gazette dated 12 February 1867 p. 332	Industrial School purposes	The land shown as allotment 15, section 11 on Certified Plan No. 112783 lodged in the Central Plan Office.





