

Land Revocations (And Other Matters) Bill

EXPLANATORY MEMORANDUM

Clause 1 sets out the purposes of the Bill.

Clause 2 provides for the commencement of the various sections of the Act. Part 1 and Part 2 (except for sections 3, 4, 5, 7, 9 and 11), sections 15, 20 and 21 and Schedules 1, 3, 4 and 6 come into operation on the day on which the Act receives Royal Assent. The remaining provisions come into operation on a day or days to be proclaimed. Provisions not proclaimed within 12 months of the Act receiving Royal Assent will automatically come into operation on the day after that period.

PART 2—REVOCATION OF RESERVATIONS

Division 1—Revocation of Reservations

Clause 3 provides for the cessation of land at Launching Place being reserved as a site for the preservation of an area of natural interest and public recreation to facilitate disposal of the land.

Clause 4 provides for the revocation of a portion of the reservation over land set aside for a mechanics institute at Myrmiong, to facilitate the sale of the land.

Clause 5 provides for the revocation of a reservation over land set aside as a site for a fire brigade station, offices and associated conveniences at Beaufort, to facilitate the sale of the land.

Clause 6 provides for the revocation of a portion of the reservation over land set aside as a site for a public park (Phillips Gardens) at Maryborough, to formalise essential road works.

Clause 7 provides for the revocation of a reservation and Crown grant over land set aside as a site for a Shire Hall at Colac, to facilitate the sale of the land.

Clause 8 provides for the cessation of the reservation of land at Fairfield as sites for the purposes of the **Infectious Diseases Hospital Act 1914** and **Infectious Diseases Hospital Act 1916** and revokes associated Crown grants.

Clause 9 provides for the revocation of reservations and Crown grant over land set aside as sites for Shire Offices at Warrenheip, to facilitate the sale of the land.

Clause 10 provides for the revocation of a portion of the reservation set aside as a site for the protection of coastline at Jan Juc, to facilitate a land exchange.

Clause 11 provides for the revocation of a portion of the reservation set aside as a site for agricultural research purposes at Toolangi, to facilitate the sale of the land.

Division 2—Consequences of Revocation of Reservations and Re-reservation of Certain lands

Clause 12 provides that, on revocation of a reservation or land ceasing to be subject to a reservation, the land is deemed to be unalienated land of the Crown, freed from any

encumbrances and the appointment of any committee of management and any regulations are revoked to the extent that they apply to the land.

Clause 13 provides for land at Fairfield to be permanently reserved as a site for health and social welfare purposes. The clause further provides for the Secretary to the Department of Health and Community Services to be the Committee of Management.

Clause 14 requires the Registrar-General and the Registrar of Titles to make any amendments to records that are necessary because of the operation of this Act.

PART 3—AMENDMENT OF THE KEW AND HEIDELBERG LANDS ACT 1933

Clause 15 amends the definition of the Yarra Bend Park Trust in section 2 of the **Kew and Heidelberg Lands Act 1933** to include land added to the Park by sections 20 and 21 of this Act.

Clause 16 inserts new sections 6 to 6F into the **Kew and Heidelberg Lands Act 1933** to provide for a revised constitution, membership and certain conditions of membership of the Yarra Bend Park Trust. The section also sets out the terms of appointment to the Trust, resignation or removal of trustees provisions, disclosure of interests provisions, quorum for meetings of the Trust and enables the trustees of the Trust to be paid fees and allowances as fixed from time to time by the Minister. The section also ensures that anything done by the Chairperson, Deputy Chairperson or a trustee is not invalid because of defects or irregularities in appointments to the Trust. The section also provides that a trustee is not personally liable for anything done or omitted to be done in good faith in carrying out a function or power under this Act.

Clause 17 inserts a new section 7 and sections 7AA and 7AB into the **Kew and Heidelberg Lands Act 1933** and provides for the Appointment of a Secretary to the Trust, resignation or removal of the Secretary provisions and terms and conditions of the position. The section also enables the Trust to employ the persons it considers necessary for the purposes of the Act.

Clause 18 inserts a new sub-section (1A) into section 7C of the **Kew and Heidelberg Lands Act 1933** to widen the Yarra Bend Park Trust's powers and functions to provide for the Trust to enter agreements or arrangements with public bodies and, with the approval the Minister, with corporations, in respect of specialist advice and services.

Clause 19 amends section 9 of the **Kew and Heidelberg Lands Act 1933** to alter the names of the three municipalities which are represented on the Trust as a result of local government council amalgamations and to update the monetary contribution payable by the councils for the Park's maintenance and improvement.

Clause 20 inserts a new section 17 into the **Kew and Heidelberg Lands Act 1933** to deem land shown hatched on the Tenth Schedule of that Act as land permanently reserved for the purposes of a public park and recreation and added to the Park.

Clause 21 inserts the plan of the additional land to be included in the Yarra Bend Park as the Tenth Schedule into the **Kew and Heidelberg Lands Act 1933**.

PART 4—BALLARAT (SOVEREIGN HILL) LANDS ACTS

Clause 22 inserts a new section 2 into the **Ballarat (Sovereign Hill) Act 1970** to define “Association”, “Council” and “lodged plan”.

Clause 23 inserts new sections 3, 4 and 5 into the **Ballarat (Sovereign Hill) Land Act 1970**. New section 3 provides for the revocation of existing reservations identified by that Act, the **Ballarat (Sovereign Hill) Land Act 1973** and various Orders in Council.

Section 4 provides that, on the revocation of an Order in Council reserving land or land ceasing to be subject to a reservation under section 3 of the Act, subject to section 5D, the lands referred to in section 3 are deemed to be unalienated land of the Crown, freed from any encumbrances and the appointment of any committee of management and any regulations are revoked to the extent that they apply to that land.

Section 5 provides for the closure of a road and the cessation of all existing rights, easements and privileges and its deeming as unalienated Crown land.

Sections 5A and 5B provide for land to be surrendered by the Ballarat Historical Park Association to the Crown and for the subsequent grant of that land plus additional land to the Ballarat Historical Park Association.

Section 5C provides that on the revocation of an Order in Council reserving land or land ceasing to be subject to a reservation under section 3 and the closure of the road under section 5 then the land bordered green, yellow and purple on the lodged plan is deemed to be permanently reserved as a site for recreation and public purposes providing for activities including the erection of buildings and other structures and exhibiting objects to illustrate the living and working conditions, business premises, mining operations, transport, amusements and recreational activities of the gold mining period in Victoria.

Section 5D provides for the continuation of existing leases over the land.

Section 5E requires that the Ballarat Historical Park Association notify the Minister in writing of its intention to create or dispose of any encumbrance or interest in land granted to it in fee simple by section 5B.

Section 5F provides rate relief to the Ballarat Historical Association for land leased by the **Ballarat (Sovereign Hill) Land Act 1970** but not any land that is used or sub-let by the Association for commercial purposes.

Section 5G requires the Ballarat Historical Park Association to prepare an annual report including financial statements.

Clause 24 makes consequential amendments to section 6 of the **Ballarat (Sovereign Hill) Land Act 1970**.

Clause 25 inserts a new section 7 into the **Ballarat (Sovereign Hill) Land Act 1970**.

Section 7 requires the Registrar-General and the Registrar of Titles to make any amendments to records that are necessary because of the operation of this Act.

Clause 26 repeals the Schedule to the **Ballarat (Sovereign Hill) Land Act 1970** and also repeals the **Ballarat (Sovereign Hill) Land Act 1973** as a consequence of changes made by this Act.