

No. 5727.

An Act relating to the Grant of certain Land at Mount Hotham to a certain Company.

[1st December, 1953.]

Preamble.

WHEREAS on public tenders being called by the Victorian Railways Commissioners the Ski Club of Victoria Limited, a company incorporated under the *Companies Act* 1938 and limited by guarantee the registered office of which is at 330 Little Collins-street, Melbourne, purchased from the said Commissioners the buildings and improvements at Mount Hotham known as the Hotham Heights Chalet together with certain plant and equipment for the sum of Eight thousand and ten pounds, which sum has been duly paid to the said Commissioners :

Schedule.

And whereas the land described in the Schedule to this Act is land of the Crown and includes the land on which the said chalet stands and is land which it is proposed should be granted as hereinafter provided :

And whereas a proprietary company called S.C.V. (Hotham) Proprietary Limited the registered office of which is at 330 Little Collins-street, Melbourne, has been incorporated under the *Companies Act* 1938 and the hereinbefore recited Ski Club of Victoria Limited holds all the share capital in the said S.C.V. (Hotham) Proprietary Limited :

And whereas at the request of the hereinbefore recited Ski Club of Victoria Limited it is expedient to provide for the grant as hereinafter enacted of the land described in the Schedule to this Act to the hereinbefore recited S.C.V. (Hotham) Proprietary Limited without prejudice to due consideration being given by the Governor in Council to applications by other bodies for similar grants of land in the Hotham area :

Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say):—

1. This Act may be cited as the *Hotham Heights Land Act* 1953. Short title.

2. In this Act unless inconsistent with the context or subject-matter— Interpretation.

“ Board ” means Board of Land and Works. “ Board.”

“ Company ” means the hereinbefore recited S.C.V. (Hotham) Proprietary Limited and includes any assigns of such company. “ Company.”

“ Premises ” means the land described in the Schedule to this Act together with the chalet and any buildings improvements plant and equipment thereon. “ Premises.”
Schedule.

3. On payment by the Company of the unimproved value of the land described in the Schedule to this Act as fixed by an appraiser appointed by the Board, and of the survey Crown grant and assurance fees payable in respect of the registration and grant of such land, the Governor in Council may grant to the Company the land described in the Schedule to this Act subject to covenants and conditions to the following effect:— Grant of land
in Schedule to
Company.

(a) That the premises shall be used for the purpose of a chalet and appurtenances for the accommodation of guests or for any other associated purpose approved in writing by the Board but for no other purpose ;

(b) That the Crown grant shall be revocable at any time by the Governor in Council on receiving a certificate by the Board—

(i) that in the opinion of the Board the premises have been used for a purpose that is not authorized by or under this Act or for any improper purpose ; or

(ii) that

(ii) that the Board has received satisfactory proof that for a period of not less than two years during the preceding three years the premises had not been effectively used for purposes prescribed by or under this Act ;

(c) Such other covenants conditions reservations exceptions and provisions as the Governor in Council thinks fit.

Effect of
revocation of
grant.

4. If the grant is at any time so revoked—

(a) the Board shall publish notice of the revocation in the *Government Gazette* ;

(b) the Company within a period specified in that behalf by the Board in such notice may on such terms and conditions as the Board directs remove from the land any buildings or other structures thereon ;

(c) as from the date of the publication of the notice of revocation in the *Government Gazette* the land described in the Schedule to this Act shall be deemed to be unalienated land of the Crown freed and discharged from all trusts encumbrances restrictions and reservations whatsoever ;

Schedule.

(d) the Registrar of Titles shall make all such cancellations of or entries upon any Crown grant or other document and upon the duplicate of any Crown grant or other document as may be necessary or expedient by reason of such cancellation and any person having possession of any such Crown grant or document or any duplicate thereof shall produce it to the Registrar of Titles for that purpose.

No liability
to attach
to Crown.

5. No person or body of persons whosoever or whatsoever shall be entitled to receive or shall receive from the Crown any money or compensation or consideration whatsoever in respect of or in any manner whatsoever arising out of any act matter or thing under this Act.

SCHEDULE.

SCHEDULE.

Preamble.

Sections 2, 3, 4.

Two acres, one rood, twenty-one perches, more or less, Parish of Yertoo, County of Dargo: Commencing at a point bearing S. $40^{\circ} 44'$ W. two chains ninety-four and five-tenths links from the south-western angle of allotment 2, Parish of Hotham, County of Bogong; bounded thence by lines bearing S. $81^{\circ} 49'$ E. eighty-seven and seven-tenths links, S. $23^{\circ} 10'$ E. three chains twenty-three and four-tenths links, S. $1^{\circ} 3'$ E. two chains eighty-six and two-tenths links, N. $82^{\circ} 22'$ W. three chains seventy-seven and one-tenth links, N. $24^{\circ} 45'$ W. one chain twenty-two and eight-tenths links, N. $21^{\circ} 13'$ W. three chains sixty-five links, N. $68^{\circ} 59'$ E. two chains sixty-two and four-tenths links and N. $89^{\circ} 43'$ E. ninety-three and one-tenth links to the point of commencement.
