



Victoria

No. 54 of 1988

## Land (Miscellaneous Matters) Act 1988

[Assented to 9 August 1988]

The Parliament of Victoria enacts as follows:

### PART 1—PRELIMINARY

#### Purpose.

1. The purposes of this Act are—
  - (a) to provide for the revocation of the permanent reservation of certain parts of the State Research Farm at Werribee so that that land can be used for other purposes; and
  - (b) to provide for the exchange of certain lands at South Yarra by revoking the reservations of parts of Fawkner Park and of a child welfare centre reserve, and making other provision to facilitate the exchange.

#### Commencement.

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

**PART 2—STATE RESEARCH FARM****Revocation of reservations.**

3. (1) This section applies despite anything to the contrary in the *Crown Land (Reserves) Act 1978* or any other Act or law.

(2) The Minister administering the *Conservation, Forests and Lands Act 1987*—

(a) on receiving a plan of survey of a portion of the land described in Part 1 of Schedule 1 signed by the Surveyor-General and being satisfied that the land described in the plan of survey relates to no land other than a portion of the land shown hatched on the plan in Part 2 of Schedule 1; and

(b) after consultation with the Minister administering the *Dairy Industry Act 1984*—

may recommend to the Governor in Council that the Orders in Council specified in Part 1 of Schedule 1 be revoked to the extent that the Orders apply to the land shown in the plan of survey.

(3) The Governor in Council, on the recommendation of the Minister in accordance with sub-section (2), may by Order published in the *Government Gazette* revoke the Orders in Council to which the recommendation applies to the extent that the Orders apply to the land shown in the plan of survey.

(4) An Order under sub-section (3) must include a copy of the plan of survey of the land to which the Order applies.

**Land deemed to be unalienated land of the Crown.**

4. (1) Despite any Act or law to the contrary but subject to sub-section (2), land to which an Order under section 3 (3) applies is deemed to be unalienated land of the Crown, freed and discharged from all trusts, limitations, reservations, restrictions, encumbrances, estates and interests.

(2) Nothing in this Act affects the continued existence of any lease existing immediately before the publication of an Order under section 3 (3) in relation to land to which that Order applies.

**No compensation payable by Crown.**

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

**PART 3—SOUTH YARRA LAND**

**Revocation of reservations, Crown grant, etc.**

6. (1) The Order in Council and the Crown grant specified in item 1 of Part 1 of Schedule 2 are revoked to the extent to which they apply to the land shown hatched on the plan in Part 2 of Schedule 2.

(2) The Order in Council specified in item 2 of Part 1 of Schedule 2 is revoked to the extent to which it applies to the land shown cross-hatched on the plan in Part 2 of Schedule 2.

(3) The appointment of the Committee of Management of the land described in item 2 of Part 1 of Schedule 2 is revoked insofar as the appointment relates to the land shown cross-hatched on the plan in Part 2 of Schedule 2.

**Land deemed to be unalienated Crown land.**

7. Despite any Act or law to the contrary, the land shown hatched and cross-hatched on the plan in Part 2 of Schedule 2 is deemed to be unalienated land of the Crown, freed and discharged from all trusts, limitations, reservations, restrictions, encumbrances, estates and interests.

**Exchange of land.**

8. (1) The land shown cross-hatched on the plan in Part 2 of Schedule 2 is deemed to be permanently reserved under the *Crown Land (Reserves) Act 1978* for the purposes for which the land described in item 1 of Part 1 of Schedule 2 is reserved.

(2) The Crown grant Volume 600 Folium 119904 is deemed to include the land shown cross-hatched on the plan in Part 2 of Schedule 2.

(3) The land shown hatched on the plan in Part 2 of Schedule 2 is deemed to be temporarily reserved under the *Crown Land (Reserves) Act 1978* for the purposes for which the land described in item 2 of Part 1 of Schedule 2 is reserved.

(4) The Committee of Management appointed in respect of the land described in item 2 of Part 1 of Schedule 2 is deemed to be appointed Committee of Management of the land shown hatched on the plan in Part 2 of Schedule 2.

**Registrar of Titles to make necessary amendments.**

9. The Registrar of Titles must make any amendments to the Register Book, and to any Crown grant, certificate of title, duplicate Crown grant or certificate of title and to any other documents that are necessary in consequence of this Part.

**No compensation payable by Crown.**

**10. No compensation is payable by the Crown in respect of anything done under, or arising out of, this Part.**



**SCHEDULE 1**

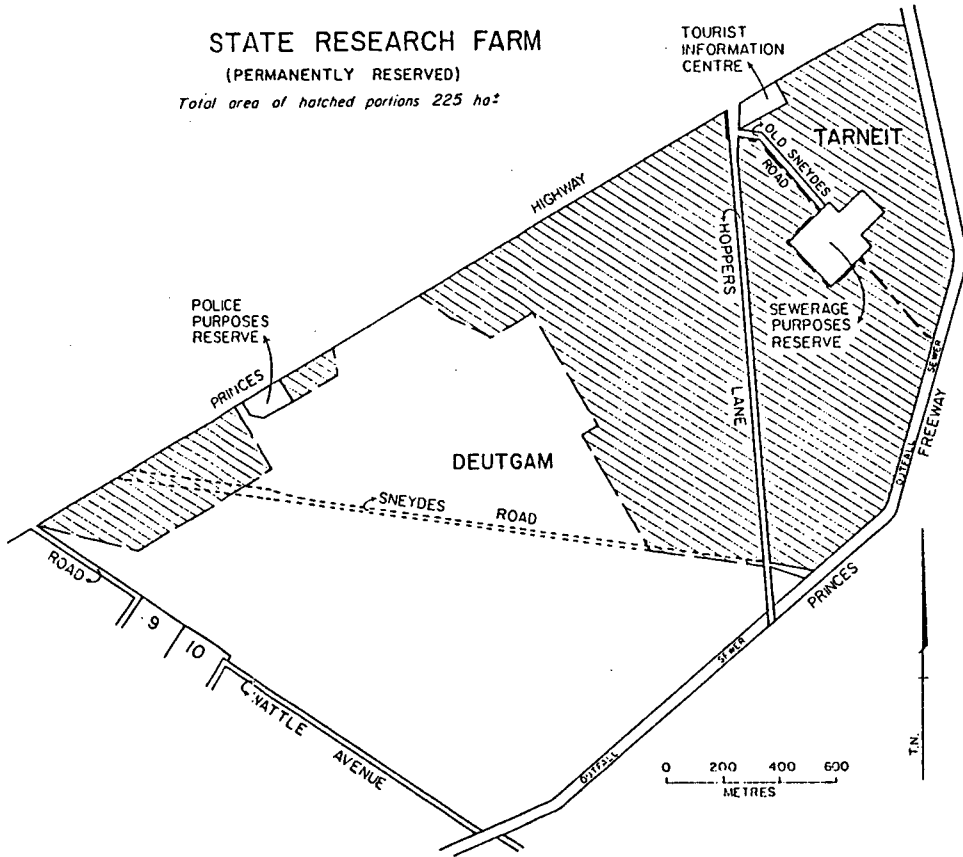
Land in respect of which the permanent reservation may be revoked

**PART 1**

Situation and area of land	Instrument and date of reservation	Description of land by reference to <i>Government Gazette</i>	Purpose of reservation	Portion as to which reservation may be revoked
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 authorised by Acts Numbers 8881, 9922, 10224 and 12 of 1986	Order in Council 6 July 1927	<i>Government Gazette</i> 8 June 1927, pages 1883-1884 and 13 July 1927, page 2142	Site for State Research Farm (Agricultural)	See Part 2 of this Schedule.
Parish of Tarneit, 2.069 hectares less excisions by Acts Nos. 8881 and 9922.	Order in Council 25 March 1969	<i>Government Gazette</i> 26 February 1969, page 466 and 2 April 1969, page 897	Site for Research Farm (Agricultural)	See Part 2 of this Schedule

SCHEDULE 1—continued

PART 2



**SCHEDULE 2**

Land in respect of which the reservations and Crown grant are revoked

**PART 1**

Item	Situation and area of land	Instrument and date of reservation	Description of land by reference to <i>Government Gazette</i>	Purpose of reservation	Particulars of registration of Crown Grant	Extent of revocation
1.	Parish of Melbourne South, 41.38 hectares, less excision authorized by Act No.5209	Order in Council 9 June 1873	<i>Government Gazette</i> 12 February 1864, page 350 and 13 June 1873, page 1058	Site for Fawkner Park	Volume 600 Folium 119904	That part of the reserve and Crown grant containing 1138 square metres and shown by hatching on the plan in Part 2 of this Schedule.
2.	Parish of Melbourne South, 2833.4 square metres	Order in Council 9 September 1947	<i>Government Gazette</i> 17 September 1947, page 4826	Site for child welfare centre	—	That part of the reserve containing 1138 square metres and shown by cross-hatching on the plan in Part 2 of this Schedule.

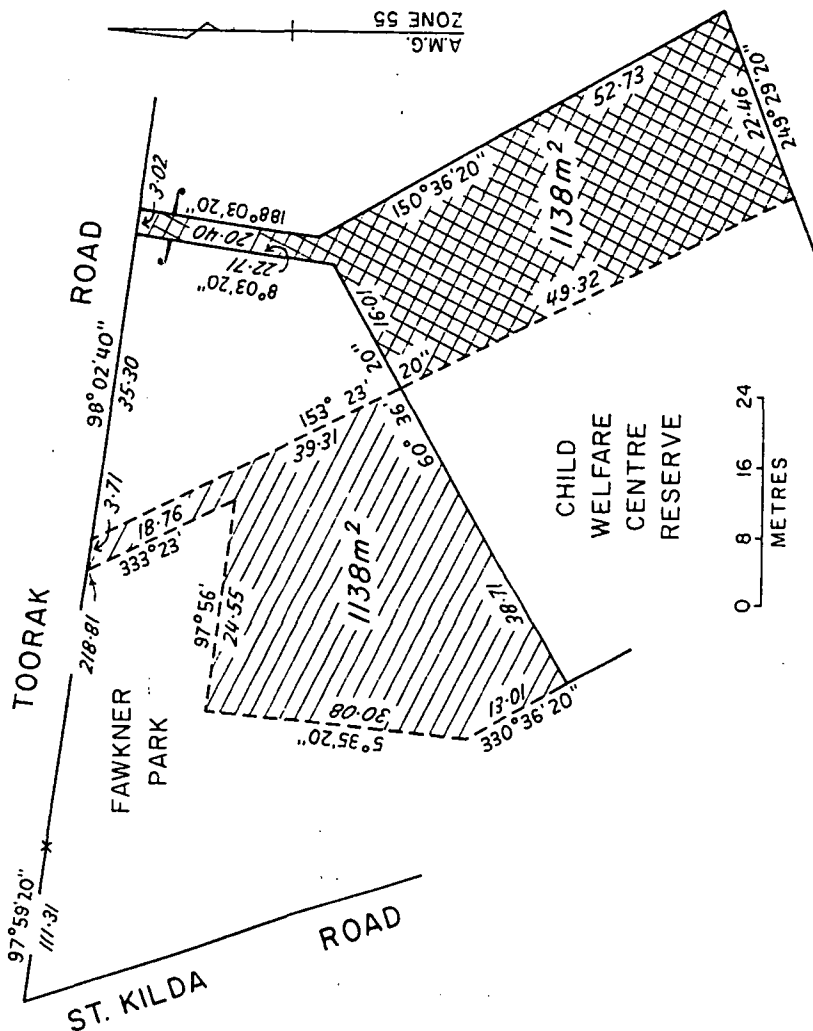
1059

*Land (Miscellaneous Matters) Act 1988*

Sch. 2

SCHEDULE 2—continued

PART 2



NOTES

1. Minister's second reading speech—

Legislative Assembly: 31 March 1988

Legislative Council: 2 August 1988

2. The long title for the Bill for this Act was "A Bill to provide for the revocation of the permanent reservation of certain lands, to facilitate the exchange of certain other land and for other purposes."