

Version No. 012
Kew and Heidelberg Lands Act 1933
Act No. 4194/1933

Version incorporating amendments as at 11 October 2006

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Kew and Heidelberg Lands Act 1933

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An Act to provide for the Revocation of the Permanent Reservation of certain Lands situate in the Shire of Heidelberg and in the City of Kew permanently reserved respectively as a Site for Public Park and Recreation and as a Site for Lunatic Asylum and for the Revocation of the Permanent Reservation and Crown Grant of certain Lands situate in the said City permanently reserved as a Site for Public Park and for the closing of certain Roads situate in the said City and for the Proclamation of certain Lands situate in the said City as Public Highways and for the Permanent Reservation of certain Lands situate in the said Shire and in the said City as a Site for a Public Park and Recreation and for the Grant thereof to Trustees and for the Temporary Reservation of certain Land situate in the said City as a Site for a Mental Hospital, and for other purposes.

Preamble

WHEREAS by an Order in Council dated the twelfth day of October One thousand nine hundred and twenty-six¹ the land described in the First Schedule to this Act was permanently reserved as a site for public park and recreation:

AND WHEREAS by an Order in Council dated the twenty-seventh day of June One thousand eight hundred and sixty-four² the land described in the Second Schedule to this Act was permanently reserved as a site for lunatic asylum:

AND WHEREAS pursuant to paragraph (58) of section three of **The Railway Construction Act 1884** portion of the land described in the said

Second Schedule was acquired for railway purposes:

AND WHEREAS by an Order in Council dated the thirteenth day of March One thousand eight hundred and seventy-seven³ the land described in the Third Schedule to this Act (which is the land described in the Ninth Schedule to the **Melbourne and Metropolitan Board of Works Act 1928**) was permanently reserved as a site for public park, and by a Crown grant bearing date the seventeenth day of May One thousand eight hundred and seventy-six and entered in the Register Book of the Office of Titles volume 1246 folium 249076 the said land was granted to the Board of Land and Works and the mayor councillors and burgesses of the borough (now city) of Kew on trust for the purposes aforesaid:

AND WHEREAS by sub-section (1) of section two hundred and fifty-three of the **Melbourne and Metropolitan Board of Works Act 1928** the hereinbefore recited Order in Council dated the thirteenth day of March One thousand eight hundred and seventy-seven and Crown grant bearing date the seventeenth day of May One thousand eight hundred and seventy-six, so far as the same relate to the land described in Part A of the Tenth Schedule to the said Act, are declared to have been revoked:

AND WHEREAS by sub-section (2) of section two hundred and fifty-three of the **Melbourne and Metropolitan Board of Works Act 1928** it is declared that a right of carriage-way over the land described in Part B of the Tenth Schedule to the said Act (being portion of the land described in the said Third Schedule) was granted on the twelfth day of February One thousand nine hundred and twenty-four to the Melbourne and Metropolitan Board of Works and that such grant is to be deemed to include also a right of carriage-way over the land described in Part C of the Tenth Schedule

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to the said Act (being a further portion of the land described in the said Third Schedule):

AND WHEREAS the land described in the Fourth Schedule to this Act was reserved for road purposes by an Order in Council dated the sixteenth day of January One thousand eight hundred and sixty⁴:

AND WHEREAS the land described in the Fifth Schedule to this Act is portion of a road known as Johnston-street Bridge-road proclaimed a public highway by an Order in Council dated the fourth day of September One thousand eight hundred and sixty-five⁵:

AND WHEREAS the land described in the Sixth Schedule to this Act comprises portions of the lands described in the said Third and Fourth Schedules:

AND WHEREAS the land described in Part I of the Seventh Schedule to this Act is portion of the land described in the said Second Schedule:

AND WHEREAS the lands described in Parts II and III of the said Seventh Schedule comprise portions of the lands described in the said Third and Fourth Schedules:

AND WHEREAS the lands described in the Eighth Schedule to this Act are portions of the lands described in the said Second Schedule:

AND WHEREAS the land described in Part I of the Ninth Schedule to this Act comprises the land described in the said Second Schedule less the lands described in Part I of the said Seventh Schedule and in the said Eighth Schedule and less the hereinbefore recited portion of the land described in the said Second Schedule acquired for railway purposes:

AND WHEREAS the land described in Part II of the said Ninth Schedule comprises the land described in the said First Schedule:

AND WHEREAS the land described in Part III of the said Ninth Schedule comprises the lands described in the said Third Fourth and Fifth Schedules and certain unalienated land of the Crown (which is the land described in the Second Part of the Schedule to the **Studley Park Bridge Land Act 1907** excepting the portion thereof comprised in the land described in the said Fourth Schedule) but less the lands described in the said Sixth Schedule and in Parts II and III of the said Seventh Schedule and less the hereinbefore recited land described in Part A of the Tenth Schedule to the **Melbourne and Metropolitan Board of Works Act 1928**:

AND WHEREAS it is expedient that the hereinbefore recited Order in Council dated the twelfth day of October One thousand nine hundred and twenty-six relating to the land described in the said First Schedule should be revoked and that the hereinbefore recited Order in Council dated the twenty-seventh day of June One thousand eight hundred and sixty-four, so far as the same has not been revoked, should be revoked and that the hereinbefore recited Order in Council dated the thirteenth day of March One thousand eight hundred and seventy-seven and Crown grant bearing date the seventeenth day of May One thousand eight hundred and seventy-six relating respectively to the land described in the said Third Schedule, so far as the same had not been revoked, should be revoked:

AND WHEREAS it is expedient that the hereinbefore recited Order in Council dated the sixteenth day of January One thousand eight hundred and sixty relating to the land described in the said Fourth Schedule and the hereinbefore recited Order in Council dated the fourth day of September One thousand eight hundred and sixty-five, so far as the said Order in Council relates to the land described in the said Fifth Schedule, should be revoked and that the road described in the said Fourth Schedule and the portion of the

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s. 1

road known as Johnston-street Bridge-road described in the said Fifth Schedule should be closed:

AND WHEREAS it is expedient that the lands described in the said Sixth and Seventh Schedules should be proclaimed as public highways and that the lands described in the said Eight Schedule should be temporarily reserved as a site for a mental hospital and that the lands described in the said Ninth Schedule should be permanently reserved as a site for a public park and recreation and granted to trustees upon trust for such purposes:

AND WHEREAS it is expedient to provide as hereinafter enacted for the control and management of the lands described in the said Ninth Schedule and for the appointment of trustees of the said lands:

BE IT THEREFORE ENACTED by the King'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. Short title

This Act may be cited as the **Kew and Heidelberg Lands Act 1933**.

2. Definitions

In this Act—

"financial accommodation" has the same meaning as in the **Borrowing and Investment Powers Act 1987**;

S. 2
substituted by
No. 16/1990
s. 4.

S. 2 def. of
"Park"
substituted by
No. 94/1995
s. 15.

"Park" means—

- (a) the land for the time being reserved under the Order in Council dated 26 March 1935 and referred to in the Crown granted entered in the Register Book of the Office of Titles in Volume 6443 Folio 407; and
- (b) the land shown hatched on the plan in the Tenth Schedule;

"Trust" or **"Trustees"** means the Yarra Bend Park Trust established by this Act;

"Trustee" means a member of the Trust.

3. Revocation of permanent reservations and Crown grants

(1) On the commencement of this Act—

- (a) the hereinbefore recited Order in Council dated the twelfth day of October One thousand nine hundred and twenty-six relating to the land described in the First Schedule shall be hereby revoked;
 - (b) the hereinbefore recited Order in Council dated the twenty-seventh day of June One thousand eight hundred and sixty-four relating to the land described in the Second Schedule, so far as the same has not been revoked, shall be hereby revoked;
 - (c) the hereinbefore recited Order in Council dated the thirteenth day of March One thousand eight hundred and seventy-seven and Crown grant bearing date the seventeenth day of May One thousand eight hundred and seventy-six relating respectively to the lands described in the Third Schedule, so far as the same have not been revoked, shall be hereby revoked; and
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(d) the hereinbefore recited Order in Council dated the sixteenth day of January One thousand eight hundred and sixty relating to the land described in the Fourth Schedule shall be hereby revoked and the road described in the Fourth Schedule shall be closed and all rights easements or privileges existing or claimed as regards the said road or the land forming the same either in the public or by any body or person whatsoever or whomsoever as incident to any past dedication or supposed dedication thereof or by any past user thereof or by any fiction of law shall cease and determine—

and, subject to the provisions of the next succeeding sub-section, all the said lands shall be and be deemed to be unalienated lands of the Crown freed and discharged from all trusts limitations restrictions and encumbrances whatsoever.

- (2) Nothing in the last preceding sub-section shall in any way affect the provisions of sub-sections (2), (4) or (5) of section two hundred and fifty-three of the **Melbourne and Metropolitan Board of Works Act 1928** or any right or property thereby declared or deemed to have been granted or transferred to or vested in the Melbourne and Metropolitan Board of Works.
- (3) The Registrar of Titles shall make all such entries upon any Crown grant or duplicate thereof or upon any certificate or duplicate certificate of title as are necessary or expedient in consequence of this Act, and the holder of any such document shall produce the same to the Registrar of Titles for such purpose.

4. Proclamation of public highways

- (1) The Governor in Council may by Order published in the Government Gazette proclaim as public highways the lands described in the Sixth and Seventh Schedules.
- (2) On a day appointed in that behalf by the Governor in Council and published in the Government Gazette the hereinbefore recited Order in Council of the fourth day of September One thousand eight hundred and sixty-five, so far as the same relates to the land described in the Fifth Schedule, shall be hereby revoked and the portion of the road known as Johnston-street Bridge-road described in the Fifth Schedule shall be closed and all rights easements or privileges existing or claimed as regards the said portion of the said road or the land forming the same either in the public or by any body or person whatsoever or whomsoever as incident to any past dedication or supposed dedication thereof or by any past user thereof or by any fiction of law shall cease and determine and the said land shall be and be deemed to be unalienated land of the Crown freed and discharged from all trusts limitations restrictions and encumbrances whatsoever.

5. Reservation of certain lands

After the proclamation of the public highways and the revocation of the Order in Council referred to in the last preceding section the Governor in Council may in accordance with the provisions of the Land Acts—

- (a) temporarily reserve the land described in the Eighth Schedule as a site for a mental hospital; and

- (b) permanently reserve the lands described in the Ninth Schedule as a site for a public park and recreation and grant the same to trustees appointed as hereinafter provided subject to such trusts limitations conditions and exceptions as the Governor in Council determines.

6. Constitution and membership of the Trust

- (1) The Trust consists of 7 trustees appointed by the Minister.
- (2) Of the persons appointed as trustees—
 - (a) one is to be a councillor for the City of Darebin appointed by the Minister from a panel of 3 names submitted by the Council of the City of Darebin; and
 - (b) one is to be a councillor for the City of Boroondara appointed by the Minister from a panel of 3 names submitted by the Council of the City of Boroondara; and
 - (c) one is to be a councillor for the City of Yarra appointed by the Minister from a panel of 3 names submitted by the Council of the City of Yarra; and
 - (d) 4 are to be the nominees of the Minister.
- (3) If a council referred to in sub-section (2)(a), (b) or (c) fails to submit a panel of names within one month of receiving a request in writing to do so, the Minister may appoint any councillor of that council to fill the vacancy.
- (4) A person who is appointed as a trustee under sub-section (2)(a), (b) or (c) holds office as a trustee only while he or she continues to be a councillor of the municipal district that he or she represents.

S. 6
amended by
Nos 4843 s. 3,
6932 s. 2(a),
16/1990
s. 8(a),
substituted by
No. 94/1995
s. 16.

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- (5) A person cannot be a trustee during any period that he or she is employed by the Trust or is the Secretary of the Trust.
 - (6) The Minister must appoint a chairperson and a deputy chairperson from the trustees.
 - (7) If the chairperson is absent or unable to perform his or her duties as chairperson, the deputy chairperson must act as chairperson and, while acting as chairperson, has all the powers and duties of the chairperson.
 - (8) On the commencement of section 16 of the **Land Revocation (And Other Matters) Act 1995**—
 - (a) the trustees holding office immediately before that commencement cease to hold office; and
 - (b) the Trust is deemed to be the same body despite the change in its trustees.

S. 6A
inserted by
No. 94/1995
s. 16.

6A. Terms of appointment, removal, resignation and vacancies

- (1) A trustee holds office for a period, not exceeding 3 years, specified in the instrument of his or her appointment and is eligible for re-appointment.
- (2) The instrument of appointment of a trustee may specify terms and conditions of appointment.
- (3) The **Public Administration Act 2004** (other than Part 3 of that Act) applies to a trustee in respect of the office of trustee.

S. 6A(3)
amended by
No. 46/1998
s. 7(Sch. 1),
substituted by
Nos 108/2004
s. 117(1)
(Sch. 3
item 109),
80/2006
s. 26(Sch.
item 57).

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- (4) A trustee may resign the office of trustee by a letter signed by the trustee and addressed and delivered to the Minister.
 - (5) The Minister may at any time remove a trustee from office.
 - (6) The office of a trustee becomes vacant if the trustee—
 - (a) without the chairperson's approval, fails to attend 3 consecutive meetings of the Trust; or
 - (b) becomes bankrupt; or
 - (c) is convicted of an indictable offence or an offence which, if committed in Victoria, would be an indictable offence; or
 - (d) in the case of a trustee appointed under section 6(2)(a), (b) or (c) ceases to be a councillor of the municipality which he or she represents.

6B. Fees and allowances

A trustee, other than a trustee who is an officer or employee of the public service, is entitled to receive the fees, travelling and other allowances from time to time fixed by the Minister in respect of that trustee.

S. 6B
inserted by
No. 94/1995
s. 16.

6C. Validity of decisions

- (1) An act or decision of the Trust is not invalid merely because of—
 - (a) a defect or irregularity in, or in connection with, the appointment of a trustee; or
 - (b) a vacancy in the membership of the Trust, including a vacancy arising from the failure to appoint an original trustee.

S. 6C
inserted by
No. 94/1995
s. 16.

s. 6D

- (2) Anything done by or in relation to a person purporting to act as chairperson, deputy chairperson or as a trustee is not invalid merely because—
- (a) the occasion for the appointment had not arisen; or
 - (b) there was a defect or irregularity in relation to the appointment; or
 - (c) the appointment had ceased to have effect; or
 - (d) the occasion for the person to act had not arisen or had ceased.

S. 6D
inserted by
No. 94/1995
s. 16.

6D. Proceedings of the Trust

- (1) A quorum of the Trust consists of 4 trustees.
- (2) A question arising at a meeting must be determined by a majority of votes of trustees present and voting on that question and, if the voting is equal, the chairperson or deputy chairperson presiding has a casting vote as well as a deliberative vote.
- (3) Subject to this Act, the Trust may regulate its own proceedings.

S. 6E
inserted by
No. 94/1995
s. 16.

6E. Disclosure of interest

- (1) A trustee who has a direct or pecuniary interest in a contract or other matter being dealt with by the Trust must disclose the nature of that interest at a meeting of the Trust as soon as possible after becoming aware of the interest.
- (2) A trustee who holds an office or possesses property as a result of which, directly or indirectly, duties or interests may be created in conflict with the trustee's duties as a trustee, must disclose that fact at a meeting of the Trust as soon as possible after becoming aware of the potential conflict.

- (3) The person presiding at a meeting at which a disclosure under this section is made must cause that disclosure to be recorded in the minutes of the meeting.
- (4) A person who has made a disclosure under this section must not take any further part in the discussion of or vote on the contract or other matter to which the disclosure relates.

6F. Immunity of trustees

S. 6F
inserted by
No. 94/1995
s. 16.

- (1) A trustee is not personally liable for anything done or omitted to be done in good faith—
 - (a) in carrying out a function or power under this Act; or
 - (b) in the reasonable belief that the act or omission was in the carrying out of a function or power under this Act.
- (2) Any liability resulting from an act or omission that would, but for sub-section (1), attach to a trustee attaches instead to the Trust.

7. Appointment of Secretary

S. 7
substituted by
No. 94/1995
s. 17.

- (1) After consultation with the Trust, the Minister, by instrument, may appoint a Secretary of the Trust.
- (2) The Secretary holds office for a period not exceeding 3 years specified in his or her instrument of appointment and is eligible for reappointment.
- (3) The instrument of appointment of the Secretary may specify other terms and conditions of the appointment.
- (4) The Secretary is entitled to receive the remuneration, expenses and allowances determined by the Minister.

s. 7AA

S. 7AA
inserted by
No. 94/1995
s. 17.

7AA. Resignation and removal from office

- (1) The Secretary may resign his or her office by letter addressed and delivered to the Minister.
- (2) The Minister may at any time remove the Secretary from office for misconduct, or if the Secretary is incompetent or is for any other reason unfit or unable to perform the duties of that office.

S. 7AB
inserted by
No. 94/1995
s. 17.

7AB. Staff of Trust

The Trust may employ any other persons it considers necessary for the purpose of this Act on the terms and conditions and for the remuneration that the Trust determines from time to time.

S. 7A
inserted by
No. 16/1990
s. 5.

7A. Yarra Bend Park Trust

- (1) The trustees for the time being appointed or holding office under this Act shall be a body corporate known as the Yarra Bend Park Trust.
- (2) The Trust—
 - (a) has perpetual succession and shall have a common seal; and
 - (b) may sue and be sued in its corporate name; and
 - (c) may acquire, hold and dispose of real or personal property; and
 - (d) may do or suffer any act or thing that bodies corporate may by law do or suffer.

S. 7B
inserted by
No. 16/1990
s. 5.

7B. Park vested in Trust

- (1) On the commencement of this section the Trust is deemed to be the grantee of the land for the time being reserved under the Order in Council dated 26 March 1935 and referred to in the Crown grant entered in the Register Book of the Office of Titles in Volume 6443 Folium 407.

- (2) The Registrar of Titles must make any entries in the Register Book that are necessary to give effect to sub-section (1).

7C. Functions and powers of Trust

S. 7C
inserted by
No. 16/1990
s. 5.

- (1) The function of the Trust is to manage, control and make improvements to the Park at its discretion.

- (1A) Without limiting sub-section (1), the Trust may enter into agreements or arrangements with public bodies and, with the approval of the Minister, with corporations in relation to specialist advice and services on the management and maintenance of public parks, gardens and recreational areas.

S. 7C(1A)
inserted by
No. 94/1995
s. 18.

- (2) The Trust may do anything necessary to carry out its functions.

7D. References to trustees in other Acts

S. 7D
inserted by
No. 16/1990
s. 5.

In—

- (a) the **Crown Land (Reserves) Act 1978**
(except section 12); or
(b) the **Land Act 1958**—

a reference to the trustees of land includes a reference to the Trust.

8. Regulations

S. 8
amended by
No. 34/1989
s. 16(2),
substituted by
No. 16/1990
s. 6.

On and from the date of commencement of this section the regulations made on 16 February 1953 by the trustees holding office under this Act, approved by the Governor in Council on 21 April 1953 and published in the Government Gazette on 29 April 1953 and which, immediately before the date of commencement of this section, related to the land described in the Ninth Schedule to this Act have effect as if made by the Trust and approved by the Governor in Council under section 13 of the **Crown Land (Reserves) Act**

s. 8A

1978 and as if made in relation to the park, and may be revoked or amended accordingly.

S. 8A
inserted by
No. 34/1989
s. 16(1),
substituted by
No. 16/1990
s. 6.

8A. Reference to Ninth Schedule

In—

- (a) an instrument of appointment of a trustee holding office under this Act at the date of commencement of this section; or
- (b) any other instrument relating to the trustees under this Act and executed before the date of commencement of this section; or
- (c) regulations to which section 8 applies—

a reference to the lands described in the Ninth Schedule to this Act is, in relation to any matter occurring on or after the date of commencement of this section, deemed to be a reference to the Park.

S. 9
amended by
Nos 4843
s. 2(a)–(d),
6932 s. 2(b)(c),
16/1990
s. 8(a)(b),
94/1995
s. 19(a)–(d).

9. Payment of certain moneys for maintenance etc. of lands described in Ninth Schedule

In every year not later than the first day of February in such year the council of the City of Boroondara and the council of the City of Darebin and the council of the City of Yarra shall each and severally out of the respective municipal funds (which are hereby declared to be available for the purpose) pay to the trustees of the Park a sum of not less than \$30 000 to be expended by the said trustees in the maintenance and improvement of the Park.

S. 10
inserted by
No. 16/1990
s. 7.

10. Investment

The Trust may, with the approval of the Treasurer, invest money of the Trust in any manner approved by the Treasurer.

11. Borrowing powers

S. 11
inserted by
No. 16/1990
s. 7.

- (1) The Trust may, with the approval of the Treasurer, obtain financial accommodation.
- (2) The Treasurer may, on behalf of the Government of Victoria, execute a guarantee on any terms and conditions that the Treasurer determines in favour of any person or body of persons, guaranteeing the due satisfaction of amounts that become payable and any other actions required to be performed as a result of or in connection with the provision to the Trust of financial accommodation, including, but not limited to, the payment of expenses of enforcing or obtaining or endeavouring to enforce or obtain that satisfaction.
- (3) Any sums required by the Treasurer in fulfilling any liability arising under a guarantee on behalf of the Government of Victoria given under this section shall be paid out of the Consolidated Fund (which is by this sub-section to the necessary extent appropriated accordingly).
- (4) Any sums received or recovered by the Treasurer from the Trust or otherwise in respect of any sums paid by the Treasurer under a guarantee given under this section shall be paid into the Consolidated Fund.

12. Lease and licences

S. 12
inserted by
No. 16/1990
s. 7.

- (1) The Trust—
 - (a) may, with the approval of the Governor in Council, grant leases for terms not exceeding 21 years; and
 - (b) may grant licences for terms not exceeding 3 years—

for the whole or any part of the Park.

s. 13

- (2) A lease or licence under sub-section (1)—
- (a) may only be granted for a purpose consistent with the purpose for which the Park is reserved; and
 - (b) may be granted subject to any covenants, terms or conditions that the Trust thinks fit and, in the case of a lease, that the Governor in Council approves.

S. 13
inserted by
No. 16/1990
s. 7.

13. Financial year of Trust

- (1) The Minister may by notice in writing given to the Trust determine its financial year.
- (2) Unless the Minister otherwise determines, the financial year of the Trust is the year ending 30 June.

S. 14
inserted by
No. 16/1990
s. 7.

14. Accounts and records

- (1) The Trust must ensure that there are kept proper accounts and records of the transactions and affairs of the Trust and any other references that are necessary sufficiently to explain the financial operations and financial positions of the Trust.
- (2) The Trust must do all things necessary to—
 - (a) ensure that all money payable to the Trust is properly collected; and
 - (b) ensure that all money expended by the Trust is properly expended and properly authorised; and
 - (c) ensure that adequate control is maintained over assets owned by or in the custody of the Trust; and
 - (d) ensure that all liabilities incurred by the Trust are properly authorised; and

- (e) ensure efficiency and economy of operations and avoidance of waste and extravagance; and
- (f) develop and maintain an adequate budgeting and accounting system; and
- (g) develop and maintain an adequate financial control system.

15. Annual report

S. 15
inserted by
No. 16/1990
s. 7.

- (1) The Trust must, in respect of each financial year, prepare an annual report containing—
 - (a) a report of its operations during the financial year; and
 - (b) financial statements for the financial year—and submit the report to the Minister not later than 4 months after the end of the financial year.
- (2) The report of operations—
 - (a) must be prepared in a form and contain information—
 - (i) that is required by the Minister; or
 - (ii) if the Minister does not make a requirement, that is determined by the Trust to be appropriate; and
 - (b) must contain any further information that is required by the Minister.
- (3) The financial statements—
 - (a) must be prepared in a form and contain information—
 - (i) that is required by the Treasurer; or
 - (ii) if the Treasurer does not make a requirement, that is determined by the Trust to be appropriate; and

- (b) must present fairly the results of the financial transactions of the Trust during the financial year to which they relate and the financial position as at the end of that year; and
 - (c) must be signed by the principal accounting officer (by whatever name called) of the Trust and two members of the Trust, who must—
 - (i) state whether, in their opinion, the financial statements present fairly the results of the financial transactions of the Trust during the financial year to which they relate and whether they sufficiently explain the financial position of the Trust as at the end of that year; and
 - (ii) state whether, at the date of signing the financial statements, they were aware of any circumstances that render any particulars included in the statements misleading or inaccurate and, if so, particulars of the circumstances; and
 - (d) must be audited as required by section 16(1).
- (4) The Minister must cause an annual report that is submitted under this section to be laid before the Legislative Council and the Legislative Assembly before the end of the 14th sitting day of the Legislative Council or the Legislative Assembly (as the case requires) after the day on which the Minister receives the report.
- (5) If the Trust fails to submit an annual report to the Minister by not later than 4 months after the end of the financial year the Minister must report or cause to be reported that failure and the reasons for the failure to each House of Parliament.
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- (6) If, as a result of an order made under the **Annual Reporting Act 1983**, the Trust is required to submit an annual report under that Act, sub-sections (1) to (5) of this section do not apply to the Trust.

16. Audit

S. 16
inserted by
No. 16/1990
s. 7.

- (1) The financial statements referred to in section 15(1)(b) must be audited by the Auditor-General.
- (2) The Auditor-General has all the powers conferred on the Auditor-General by any law relating to the audit of the public accounts.
- (3) Without limiting the generality of sub-section (2), the Auditor-General and each officer of the Auditor-General—
 - (a) has the right of access at all times to the books, accounts and records of the Trust; and
 - (b) may require from an officer or employee of the Trust any information, assistance and explanations necessary for the performance of the duties of the Auditor-General in relation to the audit.
- (4) The Trust must pay to the Consolidated Fund an amount to be determined by the Auditor-General to defray the costs and expenses of any audit under this section.

17. Extensions of area of Park

S. 17
inserted by
No. 94/1995
s. 20.

On the commencement of section 8 of the **Land Revocations (And Other Matters) Act 1995** the land shown hatched on the plan in the Tenth Schedule is deemed to be permanently reserved under section 4 of the **Crown Land (Reserves) Act 1978** for the purposes of a public park and recreation.

SCHEDULES

Preamble.
Sections 3, 8.

FIRST SCHEDULE

Land permanently reserved as a Site for Public Park and Recreation by Order in Council of 12th October, 1926 (See "Government Gazette" of 15th September, 1926, page 2791, and 13th October, 1926, page 3054).

Three hundred and fifteen acres, parish of Jika Jika, county of Bourke, shire of Heidelberg:

Commencing at the south-west angle of the Queen's Memorial Infectious Diseases Hospital Reserve; bounded thence by said reserve bearing N. 74° 11' E. twenty-nine chains and six links, N. 43° 54' W. six chains ninety-two links, N. 61° 40' W. seven chains thirty-five links, N. 38° 53' W. four chains sixty-three links and N. 65° 58' W. four chains seventy links; by a road bearing N. 74° 11' E. two chains; by the right bank of the River Yarra downstream to its junction with the Merri Creek; by the east bank of said creek bearing northerly upstream to the south side of Heidelberg-road; by the said road bearing north-easterly seventeen chains forty-nine and three-tenth links in an arc of a circle whose centre lies thirty-nine chains south-easterly; by Asylum-road bearing S. 22° 6' E. eight chains six and two-tenths links, S. 25° 25' E. one chain sixty-one links, S. 28° 35' E. two chains thirty-seven links, S. 15° 49' E. twenty-two chains forty-two links, S. 18° 36' W. three chains forty-four links, S. 11° 37' W. one chain one and six-tenth links, S. 6° 54' W. one chain one and five-tenths links, S. 0° 45' W. one chain four links, S. 5° 45' E. one chain two links, S. 10° 21' E. one chain three links, S. 16° 43' E. one chain twenty-seven links, S. 22° 38' E. one chain fifteen links, S. 34° 42' E. one chain thirty-eight links and N. 54° 15' E. one chain; by the V.D. Clinic reserve bearing N. 65° 27' E. two chains twelve links, N. 24° 33' W. one chain forty-three links, N. 65° 27' E. seven chains eleven links, N. 24° 33' W. two chains thirty-two links, N. 21° 31' E. two chains seventy-seven links, N. 68° 51' W. three chains twenty-two links, S. 21° 11' W. two chains seventy-eight links, S. 86° 32' W. four chains fifteen links and S. 65° 21' W. one chain twenty links; and thence by Asylum-road bearing N. 18° 36' E. three chains sixty-nine links and N. 15° 49' W. sixteen links to the commencing point—

Excepting the Water Supply Reserve comprised within the boundaries hereinafter described, viz.:

Commencing at a point bearing S. 22° 6' E. two chains thirty-six and six-tenth links from the intersection of the south side of Heidelberg-road and the south-west side of Asylum-road; bounded thence by the latter road bearing S. 22° 6' E. seventy-one and six-tenth links; by a line bearing N. 66° 23' W. five chains ninety-five links; by Heidelberg-road bearing northerly ninety-three and three-tenth links in an arc of a circle whose centre lies thirty-nine

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chains south-easterly; and thence by a line bearing S. 66° 23' E. four chains sixty-four and six-tenths links to the commencing point.

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Preamble.

SECOND SCHEDULE

Section 3.

Land permanently reserved as a Site for Lunatic Asylum by Order in Council of 27th June, 1864 (See "Government Gazette" of 8th July, 1864, page 1480.)

Three hundred and forty acres, county of Bourke, parish of Boroondara, city of Kew, being part of portion 59A:

Commencing at a point bearing west eleven chains from the north-east angle of portion 60; bounded on the south by part of portion 60, bearing west twenty-nine chains more or less, to the Yarra Yarra River; on the west and north by that river bearing north-westerly and easterly to a point on the south bank bearing north of the commencing point; and on the east by a line bearing south to the point of commencement.

THIRD SCHEDULE

**Preamble.
Sections 3, 8.**

Amended description of Land permanently reserved as a Site for Public Park by Order in Council of 13th March, 1877 (See "Government Gazette" of 2nd February, 1877, page 226 and 16th March, 1877, page 516), and granted to the Board of Land and Works and the Mayor Councillors and Burgesses of the Borough (now City) of Kew by Crown Grant bearing date 17th May, 1876, entered in the Register Book of the Office of Titles volume 1246 folium 249076.

Two hundred and three acres, more or less, county of Bourke, parish of Boroondara, city of Kew, in the three several portions hereinafter described, viz.:

One hundred and sixteen acres more or less, being allotment 78D:

Commencing at a point on the left bank of the River Yarra Yarra where the western boundary of allotment 79 abuts thereon; bounded thence by that allotment bearing south thirteen chains; thence by Johnston-street Bridge-road bearing N. 69° 50' W. sixteen chains seventy-one links and one-half of a link, N. 61° 27' W. six chains ninety-seven links, N. 78° 32' W. one chain thirteen links, S. 85° 58' W. two chains twenty-seven links, N. 77° 25' W. one chain fifty-two links, N. 69° 2' W. six chains twenty-nine links and one-half of a link, N. 66° 14' W. three chains forty-three links, N. 61° 34' W. five chains ninety-six links and one-half of a link, N. 53° 8' W. seven chains eighty-six links, N. 77° 23' W. two chains four links, S. 89° 54' W. ninety-two links, S. 64° 46' W. sixty-seven links, S. 50° 27' W. eighty links, and S. 38° 12' W. one chain seventy-four links and one-half of a link to the aforesaid river; and by that river upwards to the point of commencement;

Forty-nine acres, more or less, being allotment 78B:

Commencing at a point on the left bank of the River Yarra Yarra bearing S. 89° 58' W. three chains forty-nine links and one-half of a link from a point which is the junction of the west boundary of allotment 78C and the aforesaid left bank of the River Yarra Yarra; thence bounded by lines bearing N. two chains forty links, N. 37° 30' E. three chains fifty links, and S. 49° 15' E. one chain thirty-five links; by the Studley Park Bridge-road bearing N. 74° 29' E. two chains twenty-one links, N. 63° 45' E. one chain thirty-seven links, N. 48° 43' E. one chain ninety-six links, N. 39° 8' E. two chains seventeen links, north-easterly two chains thirty links in an arc of a circle whose centre bears S. 50° 52' E. two chains thirty-six links from the commencement of the arc, S. 83° 55' E. four chains thirteen links, N. 78° 45' E. eight chains thirty-four links, N. 54° 26' E. fourteen chains sixty-three links, N. 84° 36' E. seven chains five links, and E. fourteen chains seventy-two links; by the Johnston-street Bridge-road bearing N. 69° 50' W. fourteen chains twenty-nine links, N. 61° 27' W. six chains eighty-nine links, N. 78° 32' W. eighty-four links, S. 85° 58' W. two chains twenty-eight links, N. 77° 25' W. one chain

seventy-four links, N. 69° 2' W. six chains thirty-nine links, N. 66° 14' W. three chains forty-nine links, N. 61° 34' W. six chains eight links, N. 59° 3' W. five chains fifty-four links, N. 76° 26' W. three chains ninety-five links, and S. 13° 34' W. sixty-seven links to the aforesaid river; and by the aforesaid river downwards to the point of commencement; and

Thirty-eight acres, more or less, being allotment 78C:

Commencing at a point on the left bank of the River Yarra Yarra where the west side of Walmer-street abuts thereon; thence bounded by that street bearing N. thirty chains sixty-three links; by the Studley Park Bridge-road bearing S. 84° 36' W. six chains, S. 54° 26' W. fourteen chains fifty-seven links, S. 78° 45' W. eight chains seventy links, N. 83° 55' W. four chains twenty-seven links, south-westerly one chain thirty-three links in an arc of a circle whose centre bears S. 6° 5' W. one chain thirty-six links from the commencement of the arc, S. 39° 8' W. two chains twenty-five links, S. 48° 43' W. two chains seventeen links, S. 63° 45' W. one chain fifty-nine links, and S. 74° 29' W. two chains twenty-three links, by a line bearing S. three chains thirty-five links; and by the river aforesaid downwards to the point of commencement.

FOURTH SCHEDULE

Preamble.

Section 3.

*Land reserved for Road Purposes by Order in Council of 16th January, 1860
(See "Government Gazette" of 20th January, 1860, page 156) to be closed.*

Five acres, more or less, county of Bourke, parish of Boroondara, city of Kew:

Commencing at a point on the left bank of the River Yarra Yarra bearing east and distance fifty links from the centre of the north end of Studley Park Bridge; thence bearing north three chains forty links; thence N. 57° 30' E. thirty links; thence by an arc of a circle convex to the last line, the chord of which is nine chains fifteen links, bearing of chord N. 57° 30' E., and a radius ten chains six links; thence by an arc of a circle convex to the last arc, the chord of which is one chain twenty links, bearing of chord N. 78° 30' E., and a radius eighty-four links; thence S. 83° 36' E. four chains sixteen links; thence N. 78° 13' E. nine chains eight links; thence N. 54° 14' E. fourteen chains thirty-three links; and thence N. 85° 8' E. six chains ninety-eight links to Major Hodgson's property. The bearing and distances are taken on the south-east side of the road, the road being one chain wide.

Preamble.

FIFTH SCHEDULE

Section 4.

Portion of Johnston Street Bridge Road, proclaimed a Public Highway by Order in Council of 4th September, 1865 (See "Government Gazette" of 12th September, 1865, page 2080), to be closed.

Two roods twenty perches, parish of Boroondara, county of Bourke, city of Kew:

Commencing at a point bearing N. 69° 50' W. sixteen chains fifty and five-tenths links from the south-west angle of allotment 79; bounded thence by lines bearing N. 71° 16' W. five chains seventy-nine and one-tenth links, N. 61° 27' W. one chain two and nine-tenths links, N. 78° 32' W. eighty-four and four-tenths links, S. 85° 58' W. seventeen and eight-tenth links, N. 71° 16' W. three chains sixty-four and nine-tenths links, S. 77° 25' E. one chain fifty-two links, N. 85° 58' E. two chains twenty-seven links, S. 78° 32' E. one chain thirteen links, and thence S. 61° 27' E. six chains ninety-seven links to the point of commencement.

SIXTH SCHEDULE

Preamble.

Section 4.

Land comprising Portions of the Lands described in the Third and Fourth Schedules to this Act to be proclaimed a Public Highway.

One acre one rood ten perches, parish of Boroondara, county of Bourke, city of Kew:

Commencing at the intersection of the east side of Walmer-street and the south side of Studley Park Bridge-road; bounded thence by lines bearing S. 84° 36' W. one chain and five-tenths links, N. 0° 15' E. six chains sixty-six and five-tenths links, N. 71° 16' W. nine chains fourteen and nine-tenths links, S. 77° 25' E. one chain seventy-four links, N. 85° 58' E. two chains ten and two-tenths links, S. 71° 16' E. two chains one and three-tenths links, S. 61° 27' E. five chains eighty-six and four-tenths links, N. 89° 45' W. one chain nineteen and two-tenths links, and thence S. 0° 15' W. five chains eighty-five and six-tenths links to the point of commencement.

Preamble.

SEVENTH SCHEDULE

Section 4.

Lands being Portion of the Lands described in the Second, Third and Fourth Schedules to this Act to be proclaimed a Public Highway.

PART I

Twenty-seven acres two roods fifteen perches, parish of Boroondara, county of Bourke, city of Kew:

Commencing at a point bearing S. 89° 27' W. thirty-nine chains eighty-two links from the intersection of the west side of Princess-street and the north side of Wills-street; bounded thence by lines bearing respectively N. 2° 45' W. three chains ninety-six links, N. 28° 9' W. three chains twenty-nine and five-tenths links, N. 53° 36' W. two chains forty-nine and five-tenths links, N. 65° 54' W. one chain fifty-two and three-tenths links, N. 78° 12' W. seven chains twenty and four-tenths links, N. 54° 34' W. two chains twenty-one links, N. 30° 57' W. two chains forty and two-tenths links, N. 59° 31' W. two chains eighty-six and one-tenth links, N. 27° 31' W. ninety-four and three-tenths links, N. 59° 31' W. two chains thirty-six links, N. 74° 52' W. five chains five and eighth-tenths links, S. 81° 58' W. five chains eighteen and eight-tenths links, N. 48° 45' W. three chains eighty-six and three-tenths links, N. 15° 40' E. four chains twenty-four and six-tenths links, N. 77° 26' E. three chains twelve and four-tenths links, S. 72° 29' E. five chains two and six-tenths links, S. 85° 53' E. one chain forty-seven and five-tenths links, N. 80° 44' E. three chains eighty-seven and five-tenths links, S. 86° 32' E. six chains thirty-four and eight-tenths links, N. 67° 6' E. one chain nineteen links, N. 42° 16' E. one chain sixty-two and four-tenths links, N. 16° 45' E. three chains thirty-nine and five-tenths links, N. 21° 31' E. three chains forty-three and five-tenths links, N. 29° 13' W. eight chains five and five-tenths links, N. 44° 31' W. four chains eleven and six-tenths links, N. 52° 14' W. three chains fifty-three links, N. 58° 5' W. six chains sixty-seven and four-tenths links, N. 1° 5' E. three chains seventy-eight and two-tenths links, N. 51° 42' E. two chains fifty-seven links, N. 81° 6' E. two chains fifty-five and two-tenths links, N. 60° 1' E. two chains seventy-seven and four-tenths links, N. 68° 21' E. three chains ninety and ninth-tenths links, N. 77° 29' E. one chain eighty-nine links, N. 67° 38' E. two chains seventy-nine and five-tenths links, N. 69° 51' E. two chains fifty-seven and seven-tenths links, N. 74° 13' E. three chains fifty-four and six-tenths links, N. 78° 37' E. one chain twenty-nine and five-tenths links, N. 82° 31' E. one chain twenty-seven and four-tenths links, N. 88° 19' E. two chains thirty-eight and six-tenths links, N. 89° 0' E. four chains forty-one and two-tenths links to the Outer Circle Railway; by that railway south-easterly two chains five and one-tenth links in an arc of a circle whose centre lies twenty-one chains twenty-three links north-easterly, thence by lines bearing S. 89° 0' W. four chains eighty-five links, S. 88° 19' W. two chains twenty-seven and five-tenths links, S. 82° 31' W. one chain ten and five-tenths links, S. 78° 37' W. one chain

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fifteen links, S. 74° 13' W. three chains thirty-nine and two-tenths links, S. 69° 51' W. two chains forty-six links, S. 67° 38' W. two chains ninety-two and six-tenths links, S. 77° 29' W. one chain ninety and two-tenths links, S. 68° 21' W. three chains sixty and three-tenths links, S. 60° 1' W. three chains, S. 81° 6' W. two chains forty links, S. 51° 42' W. one chain ten links, S. 1° 5' W. one chain seventy links, S. 58° 5' E. five chains sixty-four links, S. 52° 14' E. three chains seventy-six and six-tenths links, S. 44° 31' E. four chains fifty-two links, S. 29° 13' E. two chains sixty-three and five-tenths links, S. 43° 52' E. four chains fifty-one links, S. 2° 35' E. two chains fifty-four and two-tenths links, S. 21° 31' W. four chains thirty links, S. 16° 45' W. three chains seventy-six and four-tenths links, S. 42° 16' W. two chains fifty-one and six-tenths links, S. 67° 6' W. two chains nine and eight-tenths links, N. 86° 32' W. six chains fifty-nine and five-tenths links, S. 80° 44' W. three chains eighty-eight and seven-tenths links, N. 85° 53' W. one chain ninety-four and five-tenths links, N. 72° 29' W. four chains seventy-two and three-tenths links, S. 77° 26' W. one chain thirty-nine links, S. 15° 40' W. one chain seventy-nine links, S. 48° 45' E. one chain sixty-eight and five-tenths links, N. 81° 58' E. four chains sixty-eight links, S. 74° 52' E. five chains seventy-three and five-tenths links, S. 59° 31' E. five chains eighty-eight links, S. 30° 57' E. three chains fifty-three and seven-tenths links, S. 54° 34' E. one chain thirty-seven links, S. 78° 12' E. seven chains, S. 65° 54' E. one chain ninety-five links, S. 53° 36' E. five chains forty-eight links, S. 2° 45' E. three chains ninety-seven links, S. 24° 56' E. three chains twelve and two-tenths links, and thence S. 89° 27' W. three chains eighteen links to the point of commencement.

PART II

Fourteen acres one rood, twelve perches parish of Boroondara, county of Bourke, city of Kew:

Commencing at a point bearing S. 21° 28' 45" W. thirty-two links, S. 14° 27' 45" W. thirty and six-tenths links, S. 4° 7' 45" W. fifty-two and seven-tenths links from the left bank of the River Yarra Yarra where the western boundary of allotment 79 abuts thereon; bounded thence by lines bearing N. 57° 7' 45" W. four chains thirty-five and three-tenths links, S. 87° 22' 15" W. two chains seventy-six and one-tenth links, N. 62° 32' W. one chain thirty-nine and eight-tenths links, N. 46° 4' W. one chain thirty-nine and eight-tenths links, N. 15° 58' W. three chains fifty-four and two-tenths links, N. 67° 0' W. six chains nine and four-tenths links, S. 71° 15' W. three chains sixteen and two-tenths links, S. 29° 30' W. five chains seventy-nine and seven-tenths links, S. 49° 45' W. one chain fifty-four and four-tenths links, S. 70° 0' 15" W. two chains fifty and five-tenths links, S. 49° 47' W. one chain eighty-eight and one-tenth links, N. 82° 14' W. five chains sixty-nine and six-tenths links, N. 69° 52' W. three chains twenty-three links, N. 89° 38' W. one chain seventy links, N. 61° 37' W. four chains thirty-nine and one-tenth links, N. 53° 5' W. three chains forty-two and seven-tenths links, N. 17° 59' W. one chain eighty and five-tenths links, N. 4° 17' W. four

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chains ninety-eight and nine-tenths links, N. 57° 10' W. two chains forty-two and eight-tenths links, S. 87° 20' W. two chains six links, N. 87° 33' 30" W. one chain eighteen and nine-tenths links, N. 77° 20' 30" W. one chain eighteen and nine-tenths links, N. 68° 57' 45" W. two chains forty-three and nine-tenths links, N. 51° 48' W. twenty-two and one-tenth links, N. 47° 1' 45" W. one chain sixteen links, N. 37° 29' 15" W. one chain sixteen links, N. 27° 56' 45" W. one chain sixteen links, N. 18° 24' 15" W. one chain sixteen links, N. 13° 38' W. three chains fourteen links, N. 65° 34' W. seventy-six and two-tenths links, S. 87° 5' W. three chains seventeen and three-tenths links, S. 41° 3' W. one chain sixty-four and two-tenths links, S. 7° 48' W. five chains twelve and three-tenths links, S. 32° 32' E. one chain thirty-nine and one-tenth links, S. 35° 31' 30" E. one chain eight and six-tenths links, S. 43° 36' E. two chains sixty-eight and eight-tenths links, S. 60° 55' E. two chains sixty links, S. 64° 26' 45" E. one chain ninety-six and four-tenths links, S. 70° 7' 30" E. two chains sixty-six and one-tenth links, S. 69° 43' E. one chain ninety-nine and six-tenths links, and thence by the north side of Johnston-street Bridge-road bearing N. 89° 54' E. ninety-two links, S. 77° 23' E. two chains four links, S. 53° 8' E. seven chains eighty-six links, S. 61° 34' E. five chains ninety-six and five-tenths links, S. 66° 14' E. three chains forty-three links, S. 69° 2' E. six chains twenty-nine and five-tenths links, S. 77° 25' E. twenty-seven links; thence by lines bearing respectively N. 20° 30' E. one chain twenty and one-tenth links, N. 45° 32' two chains fifty-one and four-tenths links, N. 57° 46' E. ninety-four and five-tenths links, N. 70° 0' 15" E. two chains thirty-seven and five-tenths links, N. 49° 45' E. one chain thirty-three and six-tenths links, N. 29° 30' E. five chains sixty-nine and seven-tenths links, N. 71° 15' E. two chains twenty-two and five-tenths links, S. 67° 0' E. three chains ninety-six and six-tenths links, S. 41° 29' E. one chain one and eight-tenths links, S. 15° 58' E. two chains seventy-one and four-tenths links, S. 38° 48' E. two chains five and seven-tenths links, S. 69° 48' E. two chains five and seven-tenths links, N. 87° 22' 15" E. two chains three and five-tenths links, S. 74° 52' 45" E. one chain thirty-six links, S. 55° 11' E. four chains twenty-five and four-tenths links, and thence by the west boundary of allotment 79 bearing N. 0° 20' 45" E. five and seven-tenths links, N. 0° 12' 15" W. one chain ninety and eight-tenths links, N. 4° 7' 45" E. eleven links to the point of commencement—

Excepting the land comprised within the boundaries hereinafter described, viz.:

Commencing at a point bearing N. 69° 43' W. one chain ninety-nine and six-tenths links, N. 70° 7' 30" W. two chains sixty-six and one-tenth links, and N. 22° 42' 53" E. one chain forty links from the intersection of road lines being the north side of Johnston-street Bridge-road bearing N. 64° 46' E. sixty-seven links and N. 89° 54' E. ninety-two links and lying north of Johnston-street Bridge; bounded thence by lines bearing respectively S. 67° 58' 30" E. three chains forty-nine and seven-tenths links, S. 81° 40' 30" E. one chain sixty-two and five-tenths links, S. 72° 14' 30" E.

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two chains sixty-eight links, S. 57° 28' E. one chain eighty-seven and seven-tenths links, N. 4° 17' W. three chains twenty-nine and three-tenths links, N. 18° 58' 30" W. eighty-one and two-tenths links, N. 48° 28' 30" W. seventy and seven-tenths links, N. 77° 58' 30" W. eighty-one and two-tenths links, S. 87° 20' W. two chains fifty and six-tenths links, N. 72° 14' W. three chains thirty-seven and four-tenths links, N. 51° 48' W. two chains seventy-nine and four-tenths links, N. 32° 43' W. two chains eighty-three and five-tenths links, N. 13° 38' W. two chains twenty-six and five-tenths links, N. 33° 27' 15" W. one chain three and two-tenths links, N. 73° 5' 45" W. one chain three and one-tenth links, S. 67° 15' 45" W. one chain three and one-tenth links, S. 27° 37' 15" W. one chain three and two-tenths links, S. 7° 48' W. two chains one and six-tenths links, S. 0° 47' 30" E. one chain twenty-nine and two-tenths links, S. 17° 58' E. one chain twenty-nine and two-tenths links, S. 35° 9' E. one chain twenty-nine and two-tenths links, S. 52° 19' 30" E. one chain twenty-nine and two-tenths links, S. 60° 55' E. two chains sixty links, and S. 64° 26' 45" E. one chain seventy-nine and one-tenth links to the point of commencement.

PART III

Twelve acres two roods thirty-six perches, parish of Boroondara, county of Bourke, city of Kew:

Commencing at a point bearing N. 69° 50' W. fourteen chains seven links, N. 71° 16' W. eleven chains forty-six links and N. 69° 2' W. one chain sixty-six and eight-tenths links from the intersection of the south side of Johnston-street Bridge-road and the north side of Studley Park Bridge-road; bounded thence by lines bearing respectively S. 22° 2' W. three chains three and two-tenths links, S. 7° 24' E. four chains thirty-nine and seven-tenths links, S. 8° 5' 45" W. two chains and one-tenth link, S. 39° 5' 15" W. two chains and one-tenth link, S. 54° 35' W. two chains fifty-nine and two-tenths links, S. 43° 41' W. four chains seventy-three and one-tenth links, S. 51° 28' 15" W. one chain eighty-three and six-tenths links, S. 67° 2' 45" W. one chain eighty-three and six-tenths links, S. 74° 50' W. three chains ninety-seven and five-tenths links, S. 71° 30' W. two chains fifteen and nine-tenths links, S. 86° 22' 15" W. one chain forty-five links, N. 78° 45' 30" W. three chains seventy-four and five-tenths links, N. 64° 44' W. three chains three links, N. 76° 3' 15" W. three chains one and three-tenths links, S. 70° 51' W. two chains twenty and eight-tenths links, S. 38° 44' 30" W. three chains forty-seven links, S. 22° 28' W. two chains two and nine-tenths links, S. 7° 46' E. ninety-one and two-tenths links, S. 32° 16' E. two chains seventy-seven and five-tenths links, S. 67° 11' E. two chains seventy-one links, N. 71° 46' E. six chains seventeen links, N. 81° 39' E. eight chains seventy-one and six-tenths links, S. 76° 6' E. three chains fifteen and seven-tenths links, N. 79° 33' 30" E. six chains fifty and five-tenths links, N. 72° 30' E. eight chains seventy-five and two-tenths links, N. 86° 50' E. three chains fifty and one-tenth links, S. 75° 22' E. two chains seventy and one-tenth links, by Walmer-street bearing N. 0° 15' E. one chain twenty-three and eight-tenths

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links, by lines bearing N. 75° 22' W. two chains fifty-eight and one-tenth links, S. 86° 50' W. three chains eighty-three and nine-tenths links, S. 72° 30' W. eight chains eighty-two and eight-tenths links, S. 79° 33' 30" W. four chains fifty-one links, S. 85° 38' 30" W. one chain fifteen and eight-tenths links, N. 82° 11' W. one chain fifteen and eight-tenths links, N. 76° 6' W. one chain eighteen and nine-tenths links, N. 87° 13' 30" W. one chain forty-two and four-tenths links, S. 81° 39' W. eight chains seventy-five and five-tenths links, S. 77° 10' W. four chains and four-tenths links, S. 74° 29' W. two chains twenty-one links, N. 49° 15' W. one chain thirty-five links, N. 52° 34' W. one chain seventy-two and four-tenths links, N. 7° 46' W. fifty-seven and four-tenths links, N. 22° 28' E. one chain forty-eight and five-tenths links, N. 41° 13' E. two chains eighty-nine links, N. 70° 51' E. one chain forty-six links, S. 78° 55' E. two chains forty-four and three-tenths links, S. 61° 47' E. one chain twenty-one and six-tenths links, S. 66° 35' E. three chains sixty-two and three-tenths links, S. 83° 55' E. three chains eight and two-tenths links, N. 74° 56' E. nine chains sixty-five and nine-tenths links, N. 44° 12' 30" E. two chains twenty-eight and four-tenths links, N. 43° 41' E. four chains fifty-eight and nine-tenths links, N. 54° 35' E. three chains ninety-eight and nine-tenths links, N. 23° 35' 30" E. two chains seventy-six and one-tenth links, N. 7° 24' W. four chains fifty-four and three-tenths links, N. 7° 19' E. one chain ninety-three and four-tenths links, N. 27° 47' E. one chain sixty-seven and eight-tenths links, and thence by the Johnston-street Bridge-road bearing N. 69° 2' W. one chain sixty-six and eight-tenths links to the point of commencement.

EIGHTH SCHEDULE

Preamble.

Section 5.

Land being Portion of the Land described in the Second Schedule to this Act to be temporarily reserved as a Site for a Mental Hospital.

One hundred and eighty-five acres one rood six perches more or less, parish of Boroondara, county of Bourke, city of Kew, in the two portions hereinafter described:

(A) One hundred and fifty-nine acres two roods thirty perches:

Commencing at a point bearing S. 89° 27' W. eleven chains from the intersection of the west side of Princess-street and the north side of Wills-street, bounded thence by Wills-street and a line bearing S. 89° 27' W. twenty-five chains sixty-four links, thence by lines bearing N. 0° 41' 30" W. eight chains eighteen and five-tenths links, N. 12° 44' 30" W. three chains fifty-three and five-tenths links, N. 43° 54' 30" W. three chains fifty-three and five-tenths links, N. 55° 57' 30" W. four chains eighty-three and five-tenths links, N. 22° 35' W. three chains eighty-three and one-tenth links, N. 12° 56' E. eleven chains seventeen and four-tenths links, N. 11° 57' 30" W. three chains eighteen and three-tenths links, N. 36° 51' W. ten chains sixty-two links, N. 8° 39' W. six chains seventeen and four-tenths links, N. 51° 34' E. four chains seventy-six and one-tenth links, N. 71° 20' E. nine chains and five-tenths links, N. 87° 27' E. seven chains twenty-five links to the Outer Circle Railway; thence by that railway south-easterly fifteen chains five and five-tenths links in an arc of a circle whose centre lies easterly twenty-one chains twenty-three links, and with chord bearing S. 44° 56' E. fourteen chains seventy-four links, S. 65° 15' E. ten chains ninety-four and one-tenth links; and thence by a line bearing south thirty-nine chains ninety-five links to the point of commencement; and

(B) Twenty-five acres two roods sixteen perches, more or less, parish of Boroondara, county of Bourke, city of Kew:

Commencing at a point bearing N. 61° 3' W. seven chains sixty-two links, and N. 65° 10' W. four chains sixty-five and four-tenths links from the intersection of the west side of Princess-street and the north side of the Outer Circle Railway; bounded thence by that railway bearing N. 65° 10' W. five chains fourteen and five-tenths links, N. 61° 14' W. four chains fifty-nine links, thence northerly nineteen chains sixty-six links in an arc of a circle whose centre lies easterly eighteen chains twenty-three links with chord bearing N. 14° 21' 30" W. eighteen chains seventy-two links and N. 3° 28' W. eighty links, up stream by the River Yarra Yarra to the west boundary of the extension to the Lunatic Asylum reserve, by said reserve bearing south twelve chains eleven links to the point of commencement.

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Preamble.
Sections 5, 6,
8, 9.

NINTH SCHEDULE

Lands, being the Lands described in the First, Third, Fourth and Fifth Schedules to this Act together with Portion of the Land described in the Second Schedule to this Act and certain Land of the Crown (being Portion of the Land described in the Second Part of the Schedule to Act No. 2112) but less the Lands described in the Sixth and Seventh Schedules to this Act and in Part A of the Tenth Schedule to Act No. 3731, to be permanently reserved for a Public Park and Recreation.

Five hundred and eighty-six acres one rood twenty perches, more or less, in the three several Parts hereinafter described, viz.:

PART I

One hundred and seven acres one rood twenty-six perches, more or less, parish of Boroondara, county of Bourke, city of Kew:

Commencing at a point bearing S. 89° 27' W. thirty-six chains sixty-four links from the intersection of the west side of Princess-street and the north side of Wills-street; bounded thence by lines bearing respectively N. 0° 41' 30" W. eight chains eighteen and five-tenths links, N. 12° 44' 30" W. three chains fifty-three and five-tenths links, N. 43° 54' 30" W. three chains fifty-three and five-tenths links, N. 55° 57' 30" W. four chains eighty-three and five-tenths links, N. 22° 35' W. three chains eighty-three and one-tenth links, N. 12° 56' E. eleven chains seventeen and four-tenths links, N. 11° 57' 30" W. three chains eighteen and three-tenths links, N. 36° 51' W. ten chains sixty-two links, N. 8° 39' W. six chains seventeen and four-tenths links, N. 51° 34' E. four chains seventy-six and one-tenth links, N. 71° 20' E. nine chains five and five-tenths links, N. 87° 27' E. seven chains twenty-five links; thence by the Outer Circle Railway north-westerly seven chains eight-three and one-tenth links in an arc of a circle whose centre lies easterly twenty-one chains twenty-three links, N. 3° 28' W. one chain thirty-five links to the left bank of the River Yarra Yarra; by that river downstream to the north boundary of allotment 60: thence by that allotment bearing N. 89° 27' E. five chains sixty-five links to the point of commencement—

Excepting the land comprised within the boundaries described in Part I of the Seventh Schedule to this Act.

PART II

Three hundred and fifteen acres, parish of Jika Jika, county of Bourke, shire of Heidelberg, being the land described in the First Schedule to this Act.

PART III

(A) Ninety-three acres and twelve perches, more or less, parish of Boroondara, county of Bourke, city of Kew:

Commencing at a point on the left bank of the River Yarra Yarra where the western boundary of allotment 79 abuts thereon; bounded thence by that allotment bearing south thirteen chains; thence by the road from Kew to Johnston-street Bridge bearing N. 69° 50' W. sixteen chains fifty and five-tenths links, N. 71° 16' W. eleven chains forty-five and three-tenths links, N. 69° 2' W. six chains thirty-four and nine-tenths links, N. 66° 14' W. three chains forty-three links, N. 61° 34' W. five chains ninety-six and five tenths links, N. 53° 8' W. seven chains eighty-six links, N. 77° 23' W. two chains four links, S. 89° 54' W. ninety-two links, S. 64° 46' W. sixty-seven links, S. 50° 27' W. eighty links, S. 38° 12' W. one chain seventy-four and five-tenths links upwards by the aforesaid river to the south angle of the pumping station reserve, thence by the pumping station reserve bearing N. 27° 4' E. two chains thirty links, N. 46° 2' W. three chains twenty links and N. 59° 0' W. two chains fifty links, thence by the river aforesaid upwards to the point of commencement—

Excepting the land described in Part II of the Seventh Schedule to this Act;

(B) Sixty-seven acres sixteen perches, more or less, parish of Boroondara, county of Bourke, city of Kew:

Commencing at a point on the left bank of the River Yarra Yarra where the west side of Walmer-street forming the west boundary of allotment 77 abuts thereon; bounded thence by that street and a line bearing N. 0° 15' E. thirty-seven chains twenty-nine and five-tenths links, by a line bearing N. 71° 16' W. nine chains fourteen and nine-tenths links, by Johnston-street Bridge-road bearing N. 69° 2' W. six chains thirty-nine links, N. 66° 14' W. three chains forty-nine links, N. 61° 34' W. six chains eight links, N. 59° 3' W. five chains fifty-four links, N. 76° 26' W. three chains ninety-five links, S. 13° 34' W. sixty-seven links to the left bank of the aforementioned river, thence by the said river downwards to the commencement point—

Excepting the land comprised within the boundaries described in Part III of the Seventh Schedule to this Act; and

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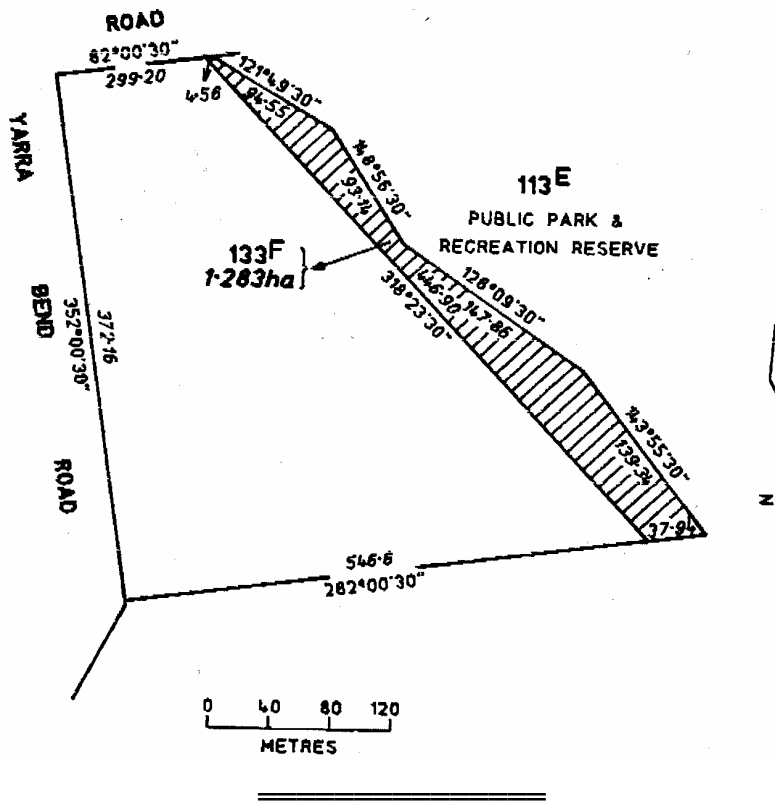
- (C) Three acres three roods six perches, parish of Boroondara, county of Bourke, city of Kew:

Commencing at the intersection of the south side of Johnston-street Bridge-road and the north side of Studley Park-road; bounded thence by Studley Park Bridge-road bearing west fourteen chains forty-two and two-tenths links, thence by lines bearing N. 0° 15' E. four chains eighty-five and six-tenths links, S. 89° 45' E. one chain nineteen and two-tenths links, and thence by Johnston-street Bridge-road bearing S. 69° 50' E. fourteen chains seven links to the point of commencement.

TENTH SCHEDULE

PLAN OF LAND TO BE ADDED TO THE PARK

Sch. 10
inserted by
No. 94/1995
s. 21.



ENDNOTES

1. General Information

The **Kew and Heidelberg Lands Act 1933** was assented to on 29 December 1933 and came into operation and came into operation on 29 December 1933.

2. Table of Amendments

This Version incorporates amendments made to the **Kew and Heidelberg Lands Act 1933** by Acts and subordinate instruments.

Kew and Heidelberg Lands (Amendment) Act 1941, No. 4843/1941

Assent Date: 2.12.41
Commencement Date: 2.12.41
Current State: All of Act in operation

Kew and Heidelberg Lands (Amendment) Act 1962, No. 6932/1962

Assent Date: 27.11.62
Commencement Date: 27.11.62
Current State: All of Act in operation

Land (Miscellaneous Matters) Act 1989, No. 34/1989

Assent Date: 6.6.89
Commencement Date: S. 16 on 8.11.89: Government Gazette 8.11.89 p. 2862
Current State: This information relates only to the provision/s amending the **Kew and Heidelberg Lands Act 1933**

Kew and Heidelberg Lands (Trust) Act 1990, No. 16/1990

Assent Date: 29.5.90
Commencement Date: 29.5.90
Current State: All of Act in operation

Land Revocations (And Other Matters) Act 1995, No. 94/1995

Assent Date: 5.12.95
Commencement Date: Ss 15, 20, 21 on 5.12.95: s. 2(1); ss 16–19 on 1.8.96: Government Gazette 1.8.96 p. 1954
Current State: This information relates only to the provision/s amending the **Kew and Heidelberg Lands Act 1933**

Public Sector Reform (Miscellaneous Amendments) Act 1998, No. 46/1998

Assent Date: 26.5.98
Commencement Date: S. 7(Sch. 1) on 1.7.98: s. 2(2)
Current State: This information relates only to the provision/s amending the **Kew and Heidelberg Lands Act 1933**

Public Administration Act 2004, No. 108/2004

Assent Date: 21.12.04
Commencement Date: S. 117(1)(Sch. 3 item 109) on 5.4.05: Government Gazette 31.3.05 p. 602
Current State: This information relates only to the provision/s amending the **Kew and Heidelberg Lands Act 1933**

Public Sector Acts (Further Workplace Protection and Other Matters) Act 2006, No. 80/2006

Assent Date: 10.10.06
Commencement Date: S. 26(Sch. item 57) on 11.10.06: s. 2(1)
Current State: This information relates only to the provision/s amending the **Kew and Heidelberg Lands Act 1933**

3. Explanatory Details

¹ Preamble: See Government Gazettes 15 September 1926 page 2791 and 13 October 1926 page 3054.

² Preamble: See Government Gazette 8 July 1864 page 1480.

³ Preamble: See Government Gazettes 2 February 1877 page 226 and 16 March 1877 page 516.

⁴ Preamble: See Government Gazette 20 January 1860 page 156.

⁵ Preamble: See Government Gazette 12 September 1865 page 2089.