

# LEGISLATIVE ASSEMBLY

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Read 1 28 October 1987

*(Brought in by Mr Roper and Mr Fordham)*

## A BILL

to revoke the permanent reservations and Crown grants of certain lands and for other purposes.

### Melbourne Lands Act 1987

The Parliament of Victoria enacts as follows:

#### **Purpose.**

1. The purpose of this Act is to revoke the permanent reservations and Crown grants of certain parts of Yarra Park and the Yarra Park Primary School Reserve so that those lands can be used in connection with the widening of Punt Road.

#### **Commencement.**

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

#### **10 Revocation of reservations and Crown grants.**

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*, upon receiving a plan of survey of a portion of the land specified in Column 1 of an item in the Schedule signed by the Surveyor-General and upon being satisfied that the land described in the plan of survey corresponds as nearly as practicable with the land described in Column 3 of that item, may recommend to the Governor in Council

that the Order in Council specified in Column 1 of that item and the Crown grant specified in Column 2 of that item be revoked to the extent that they 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 Order in Council and Crown grant to which the recommendation applies to the extent that they apply to the land shown in the plan of survey. 5

(4) An Order under sub-section (3) must include a copy of the plan of survey of the land to which the Order applies. 10

(5) If a lease or encumbrance existing immediately before the date of publication in the *Government Gazette* of an Order revoking an Order in Council and Crown grant specified in an item in the Schedule applies to—

(a) land in respect of which the Order in Council and Crown grant are revoked by that Order; and 15

(b) land specified in Column 1 of that item, not being land referred to in paragraph (a)—

the lease or encumbrance is, on the date of publication of that Order, deemed to relate only to the land referred to in paragraph (b). 20

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

4. Despite any Act or law to the contrary, 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. 25

#### **No compensation payable by Crown except in certain cases.**

5. Except as provided in any agreement entered into under section 45 (3) of the *Transport Act* 1983 (whether before on or after the date of commencement of this Act), no compensation is payable by the Crown in respect of anything done under, or arising out of, this Act. 30



## SCHEDULE

LANDS IN RESPECT OF WHICH THE RESERVATIONS  
AND CROWN GRANTS MAY BE REVOKED.

<i>Item</i>	<i>Column 1</i>			<i>Column 2</i>	<i>Column 3</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 reservations</i>	<i>Particulars of Registration of Crown grant.</i>	<i>Land to which revocation applies.</i>	
1	At East Melbourne, City of Melbourne, Parish of Melbourne North, 64.5 hectares, more or less, less excisions authorised by various Acts.	Order in Council, 9 June, 1873.	Government Gazettes, 12 February 1864, page 350 and 13 June 1873, page 1059.	Site for Public Park (Yarra Park).	Crown grant volume 600 folium 119902.	Those parts of the reserve and Crown grant shown as Parcel number 2 on plan LEGL/87-1, Parcel number 4 on Plan LEGL/87-2 and Parcel number 2, Parcel number 3 and Parcel number 4 on Plan LEGL/87-3 lodged in the Central Plan Office.
2	At East Melbourne, City of Melbourne Parish of Melbourne North, 0.3136 square metres.	Order in Council, 8 June 1874.	Government Gazette 12 June 1874, page 1123.	Site for State School	Crown grant volume 1120 folium 223835.	That part of the reserve and Crown grant shown as Parcel number 1 on Plan LEGL/87-4 lodged in the Central Plan Office.
3	At East Melbourne, City of Melbourne, Parish of Melbourne North, 0.1060 square metres.	Order in Council, 13 November 1882.	Government Gazette 17 November 1882, page volume 1468 folium 293415.	Site for public purposes (State School)	Crown grant volume 1468 folium 293415.	That part of the reserve and Crown grant forming part of Parcel number 2 on Plan LEGL/87-4 lodged in the Central Plan Office.

<i>Item</i>	<i>Situation and area of land</i>	<i>Column 1 Instrument and date of reservation</i>	<i>Description of land by reference to Government Gazette.</i>	<i>Purpose of reservations</i>	<i>Column 2 Particulars of Registration of Crown grant.</i>	<i>Column 3 Land to which revocation applies.</i>
4	At East Melbourne, City of Melbourne, Parish of Melbourne North, 0.228 square metres.	Order in Council 11 December 1882.	Government Gazette 15 December 1882, page 3108.	Site for public purposes (State School).	Crown grant volume 1468 folium 293415.	That part of the reserve and Crown grant forming the balance of Parcel number 2 on Plan LEGL/87-4 lodged in the Central Plan Office.



