

# Footscray Land Bill

## NOTES ON CLAUSES

*Clause 1* states the purpose of the Bill, which is to facilitate the development of land at Footscray and to amend the *Melbourne and Metropolitan Board of Works Act 1958* and the *Port of Melbourne Authority Act 1958*.

*Clause 2* sub-clause (1) provides, subject to sub-clause (2), for the legislation to operate from a date or dates to be proclaimed.

Sub-clause (2) provides for clauses 13, 20 and 21 to operate from 1 July 1989.

*Clause 3* defines "Project Plan".

*Clause 4* revokes the Order in Council for Grimes Reserve specified in Schedule 1 and deems the land concerned to be unalienated Crown land, freed from restrictions, estates and interests.

*Clause 5* sub-clause (1) authorizes the Governor in Council to close parts of Bunbury, Wingfield and Maribyrnong Streets and the whole of Thames Street.

Sub-clause (2) provides that on the closure of roads under sub-clause (1), the land which formed those roads is deemed to be unalienated Crown land freed from restrictions, estates and interests.

*Clause 6* deems land shown as parcels numbered 6, 7, 8, 9 and 12 on the Project Plan to be permanently reserved for public gardens.

*Clause 7* deems land shown as parcels numbered 5, 14, 15, 18, 20, 21, 24, 26 and 27, excluding the land shown hatched and shaded on the plan in Schedule 3 on the Project Plan to be temporarily reserved for public recreation and tourism.

*Clause 8* sub-clause (1) divests land shown hatched and cross hatched in Schedule 2 from the Port of Melbourne Authority and vests it in the Crown.

Sub-clause (2) deems the land vested under sub-clause (1) to be unalienated Crown land freed from all restrictions and to be temporarily reserved for public recreation and tourism. This sub-clause absolves the Port of Melbourne Authority of its responsibilities and liabilities in respect of land when divested from it by this clause.

*Clause 9* sub-clause (1) provides that on reservation of land under clauses 6, 7, 8 or 11, the City of Footscray is deemed to be a committee of management of that land.

Sub-clause (2) places an obligation on the City of Footscray to ensure that the proportion of the area of the land temporarily reserved for public recreation and tourism to which public access is restricted is not more than 20 per cent.

*Clause 10* sub-clause (1) authorizes the City of Footscray, with approval of the Minister, to lease land reserved under clauses 7 or 8 for specified purposes.

Sub-clause (2) applies the *Crown Land (Reserves) Act 1978* to any lease under this clause, but subject to the clause.

*Clause 11* sub-clause (1) authorizes the Minister, on receiving a survey plan of the land in Schedule 3, to recommend that the Governor in Council vest the land shown hatched on the plan in that Schedule in the Crown and vest the land shown cross hatched on the plan in that Schedule in the State Transport Authority.

Sub-clause (2) authorizes the Governor in Council to vest land in accordance with a recommendation under sub-clause (1).

Sub-clause (3) provides that an Order in Council under sub-clause (2) must include a survey plan of the relevant land.

Sub-clause (4) provides that on publication in the *Government Gazette* of an Order under sub-clause (2), the land specified in the Order shall be either vested in the State Transport Authority or divested from the State Transport Authority and vested in the Crown as the case may be.

Sub-clause (5) absolves the State Transport Authority of its responsibilities and liabilities in respect of land when divested from it by this clause.

*Clause 12* provides for continued use by the State Transport Authority of land divested from the Port of Melbourne Authority by clause 8, if the land is not leased under clause 10 and although that use may be inconsistent with any reservation of the land under the Crown Land (Reserves) Act.

*Clause 13* divests from the Port of Melbourne Authority the land shown cross hatched in Schedule 3 and vests that land in fee simple in the Melbourne and Metropolitan Board of Works.

The clause absolves the Port of Melbourne Authority of its responsibilities and liabilities in respect of the land when divested from it by this clause.

*Clause 14* provides that on the registration of a transfer to the Crown of the land shown as parcel number 17 on the Project Plan, that land is removed from the Register of Historic Buildings and added to the Register of Government Buildings under the Historic Buildings Act.

*Clause 15* sub-clause (1) provides that on or after registration of the transfer to the Crown of land shown as parcels numbered 12, 17, 18, 20, 30 and 31 on the Project Plan, the Minister may recommend that a grant of certain other land be made under sub-clause (2).

Sub-clause (2) authorizes the Governor in Council to grant in fee simple land shown as parcels numbered 1, 2, 3, 4, 10, 13, 23 and 25 on the Project Plan in accordance with a recommendation under sub-clause (1).

*Clause 16* authorizes the municipality of the City of Footscray or persons authorized by that municipality, with the approval of the Minister, to enter and use for or in connection with the construction of improvements on land shown as parcels numbered 1, 2, 3, 4, 10, 13, 23 and 25 on the Project Plan even though it is still reserved under the Crown Land (Reserves) Act or is a road.

*Clause 17* provides that the Crown shall not be liable for compensation because of anything done under the Act.

*Clause 18* sub-clause (1) directs the Registrar of Titles to make any recordings in the Register under his control necessary as a result of the Act.

Sub-clause (2) authorizes the Registrar to make amendments to title necessary as a result of the Act.

*Clause 19* amends the *Melbourne and Metropolitan Board of Works Act 1958* as a consequence of the vesting of land in that Board.

*Clause 20* amends the *Port of Melbourne Authority Act 1958* as a consequence of land being divested from that Authority.

*Schedule 1* sets out particulars of Grimes Reserve to be revoked by clause 4.

*Schedule 2* contains a plan which shows by hatching and cross-hatching the land to be divested from the Port of Melbourne authority by clause 8.

*Schedule 3* contains a plan which shows by hatching land to be vested in the Crown by clause 11 and shows by cross hatching land to be vested in the State Transport Authority by clause 13.

