

Version No. 001
Land (Miscellaneous) Act 2004
Act No. 21/2004

Version as at 19 May 2004

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The Parliament of Victoria enacts as follows:

PART 1—PRELIMINARY

1. Purposes

The main purposes of this Act are—

- (a) to revoke the reservations and Crown grants relating to certain land; and
- (b) to amend the **Melbourne Cricket Ground Act 1933** to provide for the reservation of a stratum of land at the Melbourne Cricket Ground and to consequentially amend the **Melbourne Cricket Ground Trust Act 1989**.

2. Commencement

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

PART 2—REVOCAION OF RESERVATIONS

**3. Revocation of reservations and Crown grant—
Former Kyneton Hospital site land**

- (1) The Orders in Council specified in items 1 and 2 of Schedule 1 are revoked.
- (2) Crown grant Volume 2129 Folio 741 is revoked.
- (3) Crown grant Volume 2462 Folio 254 is revoked.

**4. Revocation of reservation and Crown grant—
Sandhurst reservoir land**

- (1) The Order in Council specified in item 3 of Schedule 1 is revoked to the extent that it applies to the land shown hatched in the plan in Schedule 2.
- (2) Crown grant Volume 2614 Folio 760 is revoked to the extent that it applies to the land shown hatched in the plan in Schedule 2.

**5. Revocation of reservation and Crown grant—
Birrarrung Marr land**

- (1) The Order in Council specified in item 4 of Schedule 1 is revoked to the extent that it applies to the land shown hatched and being Crown Allotment 2035 on plan LEG./04–021 lodged in the Central Plan Office of the Department of Sustainability and Environment.
- (2) The Order in Council specified in items 5 and 6 of Schedule 1 is revoked to the extent that it applies to the land shown hatched and being Crown Allotment 2036 and Crown Allotment 2037 on plan LEG./04–021 lodged in the Central Plan Office of the Department of Sustainability and Environment.

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- (3) Crown grant Volume 600 Folio 903 is revoked to the extent that it applies to the land shown hatched and being Crown Allotments 2035, 2036 and 2037 on plan LEG./04–021 lodged in the Central Plan Office of the Department of Sustainability and Environment.

6. Re-reservation of part of Birrarung Marr land

On the revocation of the reservation referred to in section 5(2), that land is deemed to be temporarily reserved for public purposes under section 4(1) of the **Crown Land (Reserves) Act 1978**.

7. Revocation of reservation—Fawkner Crematorium and Memorial Park land

The reservation by virtue of section 86(1)(b) of the **Cemeteries Act 1958** of the land described in item 7 of Schedule 1 is revoked to the extent that it applies to the land shown hatched in the plan in Schedule 3.

8. Revocation of reservation—Queenscliff land

The Order in Council specified in item 8 of Schedule 1 is revoked to the extent that it applies to the land shown hatched in the plan in Schedule 4.

9. Consequences of revoking reservations

Subject to section 6, on the revocation of a reservation of land under this Part—

- (a) that land is deemed to be unalienated land of the Crown, freed and discharged from all trusts, limitations, reservations, restrictions, encumbrances, estates and interests; and
- (b) the appointment of any committee of management of that land is revoked to the extent that it relates to that land; and

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Part 2—Revocation of Reservations

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- (c) in relation to the land shown hatched in the plan in Schedule 3, the trustees appointed under the **Cemeteries Act 1958** in respect of that land cease to be trustees of that land; and
 - (d) any regulations under section 13 of the **Crown Land (Reserves) Act 1978** are revoked to the extent that they apply to that land.

10. Registrar of Titles to make necessary amendments

The Registrar of Titles must make any recordings in or amendments to the Register under the **Transfer of Land Act 1958** that are necessary because of the operation of any provision of this Part.

**PART 3—MELBOURNE CRICKET GROUND STRATUM OF
LAND**

**11. Definition of "Ground" substituted in Melbourne
Cricket Ground Act 1933**

In section 2 of the **Melbourne Cricket Ground
Act 1933**, for the definition of "Ground"
substitute—

' **"Ground"** means the land for the time being
reserved or deemed to be reserved under the
Order in Council dated 20 February 1934
and referred to in Crown grant Volume 5925
Folio 1184828;'

See:
Act No.
4149.
Reprint No. 2
as at
1 July 2003.
LawToday:
www.dms.
dpc.vic.
gov.au

**12. New section 11E inserted into Melbourne Cricket
Ground Act 1933**

After section 11D of the **Melbourne Cricket
Ground Act 1933** insert—

**'11E. *Stratum to be added to Melbourne Cricket
Ground (Southern Stand)***

- (1) In this section, "**relevant stratum**" means
the stratum of land being Crown Allotment
1C, Section 19C at East Melbourne, City of
Melbourne, Parish of Melbourne North as
shown on CP 116714 and lodged in the
Central Plan Office of the Department of
Sustainability and Environment.
- (2) This section has effect despite anything to
the contrary in the **Crown Land (Reserves)
Act 1978** or any other Act or law.

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Part 3—Melbourne Cricket Ground Stratum of Land

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- (3) On the commencement of the **Land (Miscellaneous) Act 2004**, the relevant stratum—
- (a) is deemed to be permanently reserved under section 4(1) of the **Crown Land (Reserves) Act 1978** as a Site for the Melbourne Cricket Ground; and
 - (b) is deemed to be included in, and form part of, the land reserved under the Order in Council dated 20 February 1934 and referred to in Crown grant Volume 5925 Folio 1184828.
- (4) The Registrar of Titles is authorised and directed to make any entries in the Register that are necessary to give effect to this section.'

13. Amendment of Melbourne Cricket Ground Trust Act 1989

Section 10(5) of the **Melbourne Cricket Ground Trust Act 1989** is repealed.

See:
Act No.
70/1989.
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dpc.vic.
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SCHEDULES

SCHEDULE 1

LAND IN RESPECT OF WHICH RESERVATIONS ARE REVOKED

Item 1—Former Kyneton Hospital site land

Situation and area of land:	County of Dalhousie, Parish of Lauriston, being 2 hectares, being Crown Allotment 2, Section 40.
Instrument and date of reservation:	Order in Council dated 8 July 1867.
Description of land by reference to Government Gazette:	Government Gazette 13 August 1867, page 1484.
Crown grant details	Volume 2129 Folio 741.
Purpose of reservation:	Site for Hospital purposes.
Extent of revocation:	The entire reserve.

Item 2—Former Kyneton Hospital site land

Situation and area of land:	County of Dalhousie, Parish of Lauriston, being 0·4 hectares, being Crown Allotment 1, Section 40A.
Instrument and date of reservation:	Order in Council dated 28 October 1889.
Description of land by reference to Government Gazette:	Government Gazettes dated 27 September 1889, page 3254 and 1 November 1889, page 3751.
Crown grant details	Volume 2462 Folio 254.
Purpose of reservation:	Site for Hospital purposes.
Extent of revocation:	The entire reserve.

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Item 3—Sandhurst reservoir land

Situation and area of land:	Parishes of Lockwood and Mandurang, being 1770 hectares more or less, less authorised excisions.
Instrument and date of reservation:	Order in Council dated 16 January 1883.
Description of land by reference to Government Gazette:	Government Gazettes dated 8 December 1882, page 2833 and 19 January 1883, page 96.
Crown grant details	Volume 2614 Folio 760.
Purpose of reservation:	Site for Victorian Water Supply purposes.
Extent of revocation:	The land shown hatched on the plan in Schedule 2.

Item 4—Birraring Marr land

Situation and area of land:	County of Bourke, Parish of Melbourne North, City of Melbourne, being 20.39 hectares less authorised excisions.
Instrument and date of reservation:	Order in Council dated 9 June 1873.
Description of land by reference to Government Gazette:	Government Gazette dated 13 June 1873, page 1058.
Crown grant details	Volume 600 Folio 903.
Purpose of reservation:	Site for Flinders Park (Melbourne).
Extent of revocation:	The land shown hatched and being Crown Allotment 2035 (being 160 square metres) on plan LEG./04-021 lodged in the Central Plan Office of the Department of Sustainability and Environment.

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Item 5—Birraring Marr land

Situation and area of land:	County of Bourke, Parish of Melbourne North, City of Melbourne, being 20.39 hectares less authorised excisions.
Instrument and date of reservation:	Order in Council dated 9 June 1873.
Description of land by reference to Government Gazette:	Government Gazette dated 13 June 1873, page 1058.
Crown grant details	Volume 600 Folio 903.
Purpose of reservation:	Site for Flinders Park (Melbourne).
Extent of revocation:	The land shown hatched and being Crown Allotment 2036 (being 2427 square metres) on plan LEG./04-021 lodged in the Central Plan Office of the Department of Sustainability and Environment.

Item 6—Birraring Marr land

Situation and area of land:	County of Bourke, Parish of Melbourne North, City of Melbourne, being 20.39 hectares less authorised excisions.
Instrument and date of reservation:	Order in Council dated 9 June 1873.
Description of land by reference to Government Gazette:	Government Gazette dated 13 June 1873, page 1058.
Crown grant details	Volume 600 Folio 903.
Purpose of reservation:	Site for Flinders Park (Melbourne).
Extent of revocation:	The land shown hatched and being Crown Allotment 2037 (being 3428 square metres) on plan LEG./04-021 lodged in the Central Plan Office of the Department of Sustainability and Environment.

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Item 7—Fawkner Crematorium and Memorial Park land

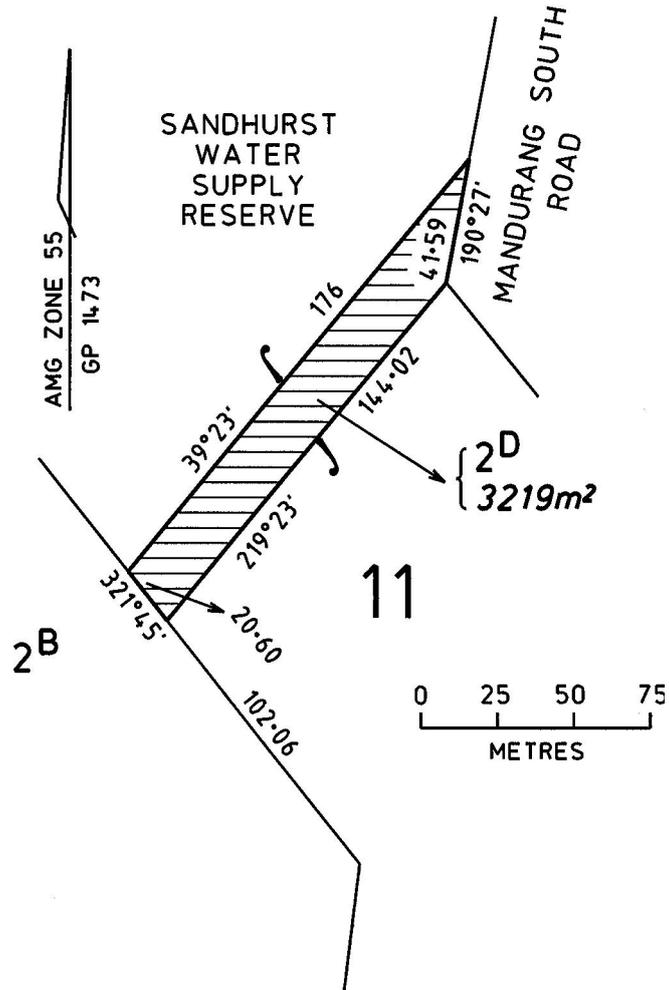
Situation and area of land:	Parish of Will-will-rook, being 152·9 hectares less authorised excisions.
Instrument of reservation:	Section 86(1)(b) of the Cemeteries Act 1958 .
Purpose of reservation:	A place for the interment of the dead.
Extent of revocation:	The land shown hatched in the plan in Schedule 3.

Item 8—Queenscliff land

Situation and area of land:	County of Grant, Parish of Paywit, Township of Queenscliff, being 2 hectares.
Instrument and date of reservation:	Order in Council dated 30 March 1931.
Description of land by reference to Government Gazette:	Government Gazettes dated 18 February 1931, page 577 and 1 April 1931, page 1076.
Purpose of reservation:	Site for Public purposes.
Extent of revocation:	The land shown hatched in the plan in Schedule 4.

SCHEDULE 2

PLAN OF SANDHURST RESERVOIR LAND

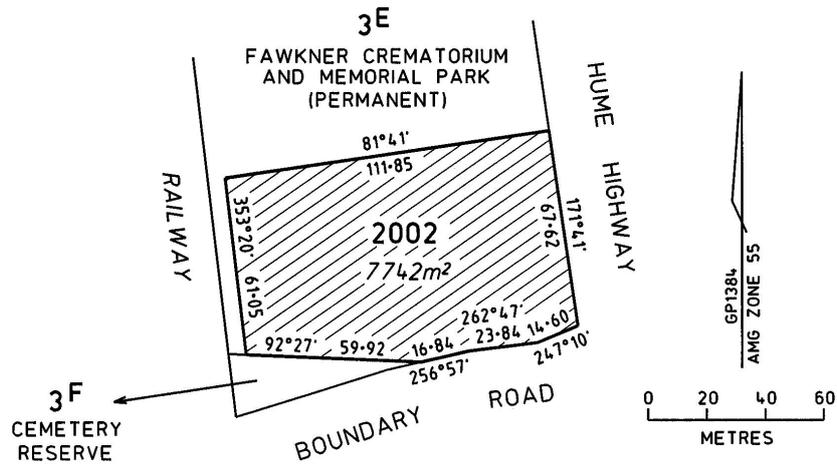


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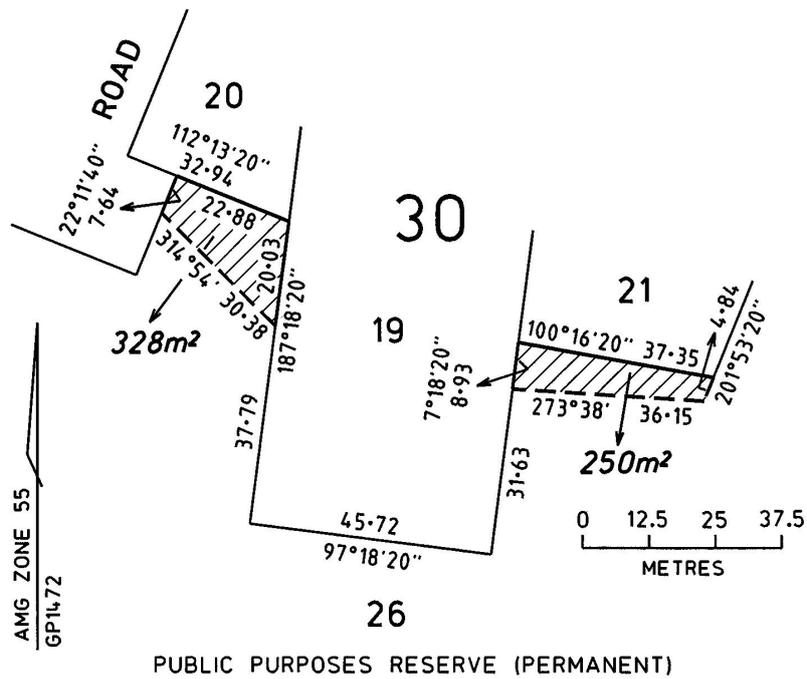
SCHEDULE 3

PLAN OF FAWKNER CREMATORIUM AND MEMORIAL PARK
LAND



SCHEDULE 4

PLAN OF QUEENSLIFF LAND



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Endnotes

ENDNOTES

1. General Information

Minister's second reading speech—

Legislative Assembly: 1 April 2004

Legislative Council: 4 May 2004

The long title for the Bill for this Act was "to revoke the reservations and Crown grants relating to certain land, to amend the **Melbourne Cricket Ground Act 1933** to provide for the reservation of a stratum of land, to consequentially amend the **Melbourne Cricket Ground Trust Act 1989** and for other purposes."

The **Land (Miscellaneous) Act 2004** was assented to on 18 May 2004 and came into operation on 19 May 2004: section 2.

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Endnotes

2. Table of Amendments

There are no amendments made to the **Land (Miscellaneous) Act 2004** by Acts and subordinate instruments.

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Endnotes

3. Explanatory Details

No entries at date of publication.