

Melbourne Lands and Market Sites Act 1991

No. 86 of 1991

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SCHEDULE

Lands in respect of which the reservations are revoked



Victoria

No. 86 of 1991

Melbourne Lands and Market Sites Act 1991

[Assented to 10 December 1991]

The Parliament of Victoria enacts as follows:

PART 1—PRELIMINARY

1. *Purposes*

The purposes of this Act are—

- (a) to revoke the reservation and Crown grant of the Western Market Site at Melbourne;
- (b) to authorise the sale of those lands;

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- (c) to amend the **Melbourne Market and Park Lands Act 1933** and the **Melbourne Market and Park Lands Act 1955**;
- (d) to make provision for related matters.

2. Commencement

- (1) Parts 1, 3 and 5 come into operation on the day on which this Act receives the Royal Assent.
- (2) Part 2 comes into operation on a day to be proclaimed, being a day after a day on which the Minister certifies by notice published in the Government Gazette that a contract for the sale of some or all of the land to which that Part applies is about to be entered into.
- (3) Part 4 comes into operation on a day to be proclaimed, being a day occurring after Part 2 is in operation.

PART 2—WESTERN MARKET SITE

3. Revocation of reservation and Crown grant

- (1) The Order in Council specified in item 1 of Schedule 1 is revoked to the extent that it applies to the land in Folio of the Register Volume 5914 Folio 755.
- (2) Folio of the Register Volume 5914 Folio 755 is revoked.

4. Sale of site

- (1) The Minister, on behalf of the Crown, may sell all or any part of the land described in Part III of the Second

Schedule to the **Melbourne Market and Park Lands Act 1933** to a person or body approved by the Minister.

- (2) The sale may be for any consideration or on any other terms and conditions that may be determined by the Minister.
- (3) The Minister, on behalf of the Crown, may execute any document or do anything else necessary to give effect to the sale.
- (4) The net proceeds of a sale of land under this section (after deducting the costs and expenses of the sale and any amounts payable under any agreement made under this Act in respect of the land sold) must be paid into the Victorian Debt Retirement Fund established under the **Victorian Debt Retirement Fund Act 1990**.

5. *Amendment of Melbourne Market and Park Lands Act 1933*

- (1) For the purposes of this section, the Minister may appoint a day, being a day on or after the day on which a Crown grant or Crown grants of all the land in Part III of the Second Schedule to the **Melbourne Market and Park Lands Act 1933** have been issued.
- (2) On the appointed day the **Melbourne Market and Park Lands Act 1933** is amended as follows—
 - (a) in section 3 (3) omit “and in Part III. of the Second Schedule”;
 - (b) in section 3 (5) omit “and in Part III. of the Second Schedule”.

PART 3—GENERAL

6. *Consequences of revoking reservations*

On the revocation by this Act of a reservation in respect of land—

- (a) the land is deemed to be unalienated land of the Crown, and subject to this Part, is freed and discharged from all trusts, limitations, reservations,

restrictions, encumbrances, charges, leases, licences, estates, interests, taxes and rates;

- (b) the appointment of any committee of management is revoked to the extent that it relates to that land;
- (c) any regulations made or having effect under section 13 of the **Crown Land (Reserves) Act 1978** are revoked to the extent that they apply to the land.

7. *Consequences of sale*

On a person or body becoming entitled to a Crown grant of land in accordance with the terms and conditions of a sale under this Act, the Governor in Council, on behalf of the Crown, may grant the land to the person or body for an estate in fee simple, subject to any terms, conditions, covenants, exceptions, reservations and limitations that the Governor in Council may determine.

8. *Certain matters not affected*

- (1) This Act does not affect the operation of the **Historic Buildings Act 1981**.
- (2) This Act does not affect the continuance of any liability, existing immediately before the revocation by this Act of a reservation or Crown grant of land, in the grantee, lessee or occupier of the land in respect of any tax, rate or charge payable under an Act.
- (3) This Act does not affect any proceedings before a Court concerning liability to pay land tax in respect of any land to which this Act applies.

9. *Agreements*

- (1) The Minister, on behalf of the Crown, may enter into an agreement with a grantee, lessee or occupier of land in respect of which a reservation or Crown grant is revoked by this Act concerning the use of any proceeds of the sale of the land to discharge the grantee's, lessee's or occupier's liability for taxes, rates or charges in respect of the land.

- (2) The Minister on behalf of the Crown, may enter into an agreement with the Council of the City of Melbourne, concerning—
 - (a) the protection of any public interest or municipal interest in relation to land sold under this Act;
 - (b) the protection or conservation of land sold under this Act;
 - (c) the distribution to the Council of any of the proceeds of sale of land sold under this Act.
- (3) The Minister may do anything necessary to carry out an agreement under this section.
- (4) The Consolidated Fund is, by this sub-section, appropriated to the extent necessary to make any payment out of the proceeds of sale of land sold under this Act, being a payment made in accordance with an agreement under this section.

10. *Act to prevail over other laws*

This Act has effect despite anything to the contrary in any other Act or law.

11. *No compensation payable by Crown*

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

12. *Supreme Court—limitation of jurisdiction*

It is the intention of this section to alter or vary section 85 of the **Constitution Act 1975** to the extent necessary to prevent the Supreme Court awarding compensation in respect of anything done under or arising out of this Act.

13. *Registrar-General and Registrar of Titles to make necessary amendments to records*

- (1) The Registrar-General must make all entries on the records of enrolment of any Crown Grant and on any

memorial relating to land that are necessary because of the operation of any provision of this Act.

- (2) The Registrar of Titles must make any amendments to the Register under the **Transfer of Land Act 1958** that are necessary because of any provision of this Act.
- (3) If at the date of commencement of this Act, section 7 of the **Transfer of Land (Computer Register) Act 1989** is not in operation, then until that section comes into operation, sub-section (2) of this section has effect as if it read as follows:
“(2) The Registrar of Titles must make any amendments to the Register Book and to any Crown Grant, duplicate Crown Grant, certificate of title, duplicate certificate of title, or other instrument or duplicate instrument that are necessary because of the operation of any provision of this Act.”.

PART 4—CONSEQUENTIAL AMENDMENTS

14. *Amendment of Melbourne Market and Park Lands Act 1955*

In the **Melbourne Market and Park Lands Act 1955**—

- (a) in section 3 (1)—
 - (i) omit “and Western Market site”;
 - (ii) for “Crown grants of the said sites are” substitute “Crown grant of the Eastern Market site is”;
- (b) in section 3 (2) omit “and Western Market site”;
- (c) sections 4, 5 and 6 are repealed.

PART 5—REPEAL OF PART 2

15. *Repeals*

- (1) For the purposes of this section the appointed day is 1 December 1994.
- (2) If before the appointed day the Minister's certification under section 2 (2) has not been published in the

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**Government Gazette, then on the appointed day Part 2
is repealed.**

SCHEDULE

LANDS IN RESPECT OF WHICH THE RESERVATIONS ARE REVOKED

<i>Item</i>	<i>Situation and area of land</i>	<i>Instrument and date of reservation</i>	<i>Description by reference to Government Gazette</i>	<i>Purposes of reservation</i>	<i>Extent of revocation</i>
1	City of Melbourne, Parish of Melbourne North, County of Bourke, 6399 sq. metres	Order in Council dated 1 May 1934	Government Gazette 28 March 1934 p. 735 and 7 May 1934 p. 971	Site for municipal and other purposes	As to the land in Crown Grant Volume 5914 Folio 755

NOTES

1. *Minister's second reading speech—*

Legislative Assembly: 31 October 1991

Legislative Council: 20 November 1991

2. The long title for the Bill for this Act was "A Bill to revoke the reservation and Crown grant of certain lands, to authorise the sale of those lands, to amend the **Melbourne Market and Park Lands Act 1933** and the **Melbourne Market and Park Lands Act 1955** and for other purposes."

3. **Constitution Act 1975:**

Section 85 (5) statement—

Legislative Assembly: 31 October 1991

Legislative Council: 20 November 1991

Absolute majorities—

Legislative Assembly: 14 November 1991

Legislative Council: 21 November 1991

4. Section headings appear in bold italics and are not part of the Act. (See Interpretation of Legislation Act 1984).