

## No. 5729.

An Act to provide for the Revocation of the Permanent  
Reservations and Crown Grants of certain  
Lands, and for other purposes.

[8th December, 1953.]

WHEREAS the lands referred to in the First Schedule to this Act have been or are purported to be permanently reserved for the purposes and in accordance with the particulars respectively set out therein :

Preamble.  
First Schedule.

And whereas by the Crown grants specified in the said First Schedule certain of the said lands were granted to trustees on trust for the purposes for which those lands were respectively reserved :

And whereas the lands referred to in the said First Schedule are no longer required for the purposes for which they are respectively reserved or are more urgently required for other purposes :

And whereas the lands referred to in Part I. of the Second Schedule to this Act have been or are purported to be permanently reserved for the purposes and in accordance with the particulars respectively set out therein :

Second  
Schedule.

And whereas by the Crown grants specified in Part I. of the said Second Schedule the lands referred to therein were granted to trustees on trust for the purposes for which the said lands were respectively reserved :

And whereas those parts of the lands referred to in Part I. of the said Second Schedule which are respectively described in Parts II. and III. of the said Second Schedule are no longer required for the purposes for which they are respectively reserved or are more urgently required for other purposes :

And whereas it is expedient to provide that the permanent reservations of the lands referred to in the said First Schedule and of the lands described in Parts II. and III. of the said Second Schedule and the Crown

grants

grants relating thereto should be revoked and that the said lands should become and be unalienated lands of the Crown :

Be it therefore enacted by the Queen'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) :—

Short title.

1. This Act may be cited as the *Revocation and Excision of Crown Reservations Act 1953*.

Power to  
Governor in  
Council  
to revoke  
permanent  
reservations  
of lands in  
First Schedule.

2. (1) The Governor in Council may by Order or Orders published in the *Government Gazette* revoke any Order in Council specified in the First Schedule to this Act so far as the same relates to any of the lands referred to in the said First Schedule, and to such extent every such Order in Council shall thereupon by virtue of this Act be revoked accordingly.

(2) On the day on which the Order revoking any Order in Council in respect of any of the said lands is published in the *Government Gazette*—

- (a) any other Order in Council or proclamation so far as it reserves or affects or purports to reserve or affect the land to which the revoked Order relates shall also be revoked ;
- (b) the Crown grant (if any) of the said land shall be revoked made void and annulled ; and
- (c) notwithstanding anything in any Act the said land shall become and be unalienated land of the Crown freed and discharged from all trusts encumbrances reservations limitations and restrictions whatsoever and from every estate or interest therein.

Revocation  
of reservations  
of lands in  
Second  
Schedule  
as to parts  
thereof.

3. (1) The Orders in Council specified in the Second Schedule to this Act, so far as they relate to the lands respectively described in Parts II. and III. of the said Second Schedule, and every other Order in Council or proclamation, so far as they reserve or affect or purport to reserve or affect any of the said lands, are hereby revoked.

(2) The

(2) The Crown grants referred to in Part I. of the said Second Schedule, so far as they relate to the lands respectively described in Parts II. and III. of the said Second Schedule, are hereby revoked made void and annulled.

Revocation  
as to part  
of Crown grants  
in Second  
Schedule.

(3) Notwithstanding anything in any Act the lands described in Parts II. and III. of the said Second Schedule shall by virtue of this Act become and be unalienated lands of the Crown freed and discharged from all trusts encumbrances reservations limitations and restrictions whatsoever and from every estate or interest therein.

Lands in Pts.  
II. and III. of  
Second  
Schedule to be  
unalienated  
Crown lands.

4. The Registrar of Titles is hereby authorized and directed to make all such cancellations of or entries upon any Crown grant or other document and upon the duplicate of any such grant or document as may be necessary or expedient by reason of the operation of this Act or any Order in Council thereunder, and the holder of any such duplicate Crown grant or document shall produce the same to the Registrar for that purpose.

Authority  
and direction  
to Registrar  
of Titles  
to make  
necessary  
entries, &c.

5. No person or body of persons whosoever or whatsoever shall be entitled to receive or shall receive from the Crown any money or consideration or compensation in respect of or in any manner whatsoever arising out of any act matter or thing under this Act:

No liability  
to attach to  
Crown.

Provided that if the Governor in Council is satisfied that any existing improvements were affected by and at the expense of any person or body of persons on any land as to which a permanent reservation is revoked by this Act the Governor in Council may direct that he or they shall be entitled to receive compensation therefor on the basis of the value thereof as at the commencement of this Act.

## SCHEDULES.

## FIRST SCHEDULE.

*Lands of which Permanent Reservations and Crown Grants (if any) are to be revoked.*Preamble.  
Section 2.

Item.	Situation and Area of Land.	Instrument and Date of Reservation.	Description of Land by Reference to Government Gazette.	Purpose of Reservation.	Particulars of Registration of Crown Grant (if any).
1	Township of Ballaarat—3 acres 0 roods 27 <sup>4</sup> / <sub>10</sub> perches	Order in Council—22nd May, 1888	Government Gazette, 27th April, 1888, page 1224; Government Gazette, 25th May, 1888, page 1571	Site for a Market ..	Crown Grant Volume 2052 Folium 410319
2	Township of Ballaarat—52 acres 3 roods 39 perches	Order in Council—29th April, 1914	Government Gazette, 25th March, 1914, page 1478; Government Gazette, 6th May, 1914, page 1980	Site for Abattoirs ..	Crown Grant Volume 3807 Folium 761272
3	Township of Ballaarat—7 acres 1 rood 4 <sup>2</sup> / <sub>10</sub> perches	Order in Council—25th October, 1921	Government Gazette, 21st September, 1921, page 3329; Government Gazette 2nd November, 1921, page 3812	Site for Abattoirs ..	No Crown Grant issued
4	Township of Castlemaine—76 acres more or less	Order in Council—5th April, 1869	Government Gazette, 9th April, 1869, page 574	Site for Botanic Gardens	Crown Grant (area 79 acres 0 roods 11 perches) Volume 2579 Folium 515675
5	At Eaglehawk, Parish of Sandhurst—34 acres 1 rood 10 perches	Order in Council—28th January, 1890	Government Gazette, 20th December, 1889, page 4462; Government Gazette, 31st January, 1890, page 361	Site for Reservoir, Storm Water Channel, and Public Park	Crown Grant Volume 2420 Folium 483952
6	Township of Echuca—0 acres 1 rood 19 <sup>1</sup> / <sub>2</sub> perches	Order in Council—3rd March, 1873	Government Gazette, 24th January, 1873, page 151; Government Gazette, 28th March, 1873, page 536	Site for Town Hall ..	Crown Grant Volume 710 Folium 141900

FIRST SCHEDULE—continued.

*Lands of which Permanent Reservations and Crown Grants (if any) are to be revoked—continued.*

Item.	Situation and Area of Land.	Instrument and Date of Reservation.	Description of Land by Reference to Government Gazette.	Purpose of Reservation.	Particulars of Registration of Crown Grant (if any).
7	Township of Echuca, Parish of Echuca North—0 acres 0 roods 20½ perches	Order in Council—3rd October, 1932	Government Gazette, 31st August, 1932, page 1947 ; Government Gazette, 5th October, 1932, page 2262	Site for Municipal Purposes	No Crown Grant issued
8	Township of Winchelsea—0 acres 2 roods 0 perches	Order in Council—11th August, 1873	Government Gazette, 11th July, 1873, page 1243 ; Government Gazette, 29th August, 1873, page 1543	Site for Temperance Hall	Crown Grant Volume 1080 Folium 215869

SECOND SCHEDULE—PART I.

*Lands as to parts of which the Permanent Reservations and Crown Grants are to be revoked.*

Preamble.  
Section 3.

Item.	Situation and Area of Land.	Instrument and Date of Reservation.	Description of Land by Reference to Government Gazette.	Purpose of Reservation.	Particulars of Registration of Crown Grant.	Portion as to which Reservation and Crown Grant are Revoked.
1	Township of Carisbrook, Parish of Carisbrook—5 acres	Order in Council—16th December, 1862	Government Gazette, 30th January, 1863, page 260	Site for Market ..	Crown Grant Volume 88 Folium 17590	See Part II. of this Second Schedule
2	Township of Healesville, Parish of Gracedale—10 acres 3 roods 2 7/10 perches	Order in Council—1st May, 1876	Government Gazette, 17th March, 1876, page 536 ; Government Gazette, 5th May, 1876, page 843	Site for Cemetery ..	Crown Grant Volume 1206 Folium 241060	See Part III. of this Second Schedule

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SECOND SCHEDULE—continued.

## PART II.

*Land, being part of the land referred to in Item 1 of Part I. of this Second Schedule, in respect of which the Order in Council and Crown Grant referred to in the said Item are revoked by this Act.*

Thirty-two perches, more or less, Township of Carisbrook, Parish of Carisbrook, County of Talbot: Commencing at the intersection of the south-western alignment of Urquhart-street and the north-western alignment of Green-street; bounded thence by Green-street bearing S. 45° 0' W. two chains; by lines bearing N. 45° 0' W. one chain and N. 45° 0' E. two chains, and thence by Urquhart-street aforesaid bearing S. 45° 0' E. one chain to the point of commencement.

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PART III.

*Land, being part of the land referred to in Item 2 of Part I. of this Second Schedule, in respect of which the Order in Council and Crown Grant referred to in the said Item are revoked by this Act.*

One acre one rood twenty-two and five-tenths perches, Township of Healesville, Parish of Gracedale, County of Evelyn: Commencing on the north-eastern alignment of Badger Creek-road at a point bearing N. 30° 0' W. two chains forty links from the southern angle of the Cemetery Reserve; bounded thence by Badger Creek-road bearing N. 30° 0' W. seven chains forty-six links and N. 8° 37' E. four chains eighty-three and eight-tenths links; by Sloss-road bearing N. 60° 0' E. sixty-two and six-tenths links; and thence by lines bearing S. 10° 11' E. four chains fifty-eight and five-tenths links and S. 13° 11' E. seven chains twenty-three and five-tenths links to the point of commencement.