

# University of Melbourne Land Act 2000

Act No. 101/2000

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Victoria

No. 101 of 2000

## University of Melbourne Land Act 2000<sup>†</sup>

[Assented to 12 December 2000]

### Preamble

Land at Parkville was authorised to be granted jointly to the Minister of Agriculture and the University of Melbourne for the purposes of a School of Veterinary Science in the University by the **University Act 1909** (No. 2174).

The land was subsequently reserved for the purposes of a Site for a School of Veterinary Science in the University of Melbourne by Order in Council dated 18 November 1913 published in the Government Gazette on 26 November 1913 at page 5097. A restricted Crown grant Volume 3844 Folio 670 of the land was granted jointly to the Minister of Agriculture and the University of Melbourne on 2 November 1914.

The **Melbourne (Veterinary School) Lands Act 1970** (No. 7937) subsequently redefined the area of land to which the reservation and the Crown grant applied as the result of a survey and extended the purposes of the reservation and the conditions of the Crown grant to include the purposes of carrying on of veterinary research and veterinary services by the State Department of Agriculture and for such similar or related or connected purposes and such other University purposes as may be agreed by the Minister of Agriculture and the University of Melbourne.

It is now proposed to permit the use and development of the land as a site for science and biotechnology education, research and development. To facilitate that proposal, it is expedient to revoke the existing reservation and Crown grant, to re-reserve the land for those purposes and to provide for the granting of a new restricted Crown grant in favour of the University of Melbourne.

**The Parliament of Victoria therefore enacts as follows:**

**1. Purpose**

The main purpose of this Act is to make provision for—

- (a) the revocation of a reservation and a Crown grant relating to land at Parkville; and
- (b) the re-reservation of that land and the granting of a restricted Crown grant of that land to the University of Melbourne; and
- (c) leasing and licensing powers over that land.

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**2. Commencement**

- (1) Subject to sub-section (2), this Act comes into operation on a day or days to be proclaimed.
- (2) If a provision referred to in sub-section (1) does not come into operation on or before 31 December 2001, it comes into operation on that day.

**3. Definitions**

In this Act—

**"stratum"** means a part of land consisting of a space of any shape above or below or partly above and partly below the surface of the land, all the dimensions of which are limited;

**"University of Melbourne"** means the body corporate and politic by the name of "The University of Melbourne" established by section 4(1) of the **Melbourne University Act 1958**.

**4. Application**

This Act applies despite anything to the contrary in—

- (a) the **Crown Land (Reserves) Act 1978** and any regulations made under that Act;
- (b) the **Land Act 1958**; and
- (c) Division 5 of Part II of the **Melbourne University Act 1958**.

**5. Revocation of reservation and Crown grant—  
Veterinary School land**

- (1) The Order in Council specified in the Schedule is **revoked**.
- (2) Crown grant Volume 3844 Folio 670 is **revoked**.

**6. *Consequences of revoking reservations***

On the revocation of the Order in Council reserving land specified in the Schedule—

- (a) that land is divested from the Minister of Agriculture and the University of Melbourne and reverts to the Crown; and
- (b) subject to sections 7 and 16, 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
- (c) the appointment of any committee of management of that land is revoked to the extent that it relates to 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.

**7. *Re-reservation of land***

On the land specified in the Schedule ceasing to be reserved, that land is deemed to be permanently reserved under section 4 of the **Crown Land (Reserves) Act 1978** as a site for science and biotechnology education, research and development purposes.

**8. *Power to grant restricted Crown grant***

- (1) The Governor in Council, on behalf of the Crown, may grant the land to which section 7 applies to the University of Melbourne.
- (2) A grant made under sub-section (1) is subject to any trusts, terms, conditions, covenants, exceptions, reservations and limitations (not inconsistent with the reservation of the land under

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section 7) that the Governor in Council determines.

- (3) A grant made under sub-section (1) must include a condition that the land must not be used for any purpose inconsistent with the reservation of that land under section 7.

**9. Crown grant revoked if land use is inconsistent with reservation**

- (1) The Governor in Council, on the recommendation of the Minister administering the **Crown Land (Reserves) Act 1978**, may, by Order published in the Government Gazette, revoke the Crown grant granted under section 8.
- (2) The Minister must not make a recommendation under sub-section (1) unless he or she is satisfied that the land granted under section 8 has been used for a purpose inconsistent with the reservation of that land under section 7.
- (3) On the publication in the Government Gazette of the Order made under sub-section (1)—
- (a) the Crown grant granted under section 8 is revoked; and
  - (b) the land is divested from the University of Melbourne; and
  - (c) the land is deemed to be unalienated land of the Crown, freed and discharged from all trusts, limitations, reservations, restrictions, encumbrances, estates and interests; and
  - (d) the Crown or the Minister may re-enter or resume that land and hold, possess and enjoy that land as if the Crown grant granted under section 8 had not been made.

**10. Sale etc. not permitted**

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Subject to sections 11, 12 and 13, the University of Melbourne or its successor-in-law must not sell, mortgage or otherwise dispose of its interest in the land granted under section 8.

**11. Power to grant leases**

- (1) The University of Melbourne may grant a lease of the land granted under section 8 or any part (including a stratum) of that land for any purpose not inconsistent with and not detrimental to the reservation of that land.
  - (2) A lease granted under sub-section (1) may be for a term not exceeding 25 years.
  - (3) A lease granted under sub-section (1)—
    - (a) may contain provision for the term of the lease to be extended one or more times, but the aggregate of the initial term and any extensions of the term must not exceed 25 years; and
    - (b) may contain provision for a lessee to remain in occupation of the land under the same terms and conditions as existed under the lease, at the discretion of the lessor, for a period of not more than 3 months from the expiry of the lease; and
    - (c) is subject to any covenants, exceptions, reservations and conditions that are determined by the University of Melbourne.
  - (4) Without limiting sub-section (3), a lease of a stratum of the land granted under sub-section (1) may include provisions relating to any of the following—
    - (a) access to and use of the stratum of land to be leased; and
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- (b) support of the stratum or other land or of any building or structure erected or to be erected on the land; and
  - (c) any necessary rights of passage or provision of services (including drainage, sewerage or the supply of water, gas, electricity or communications systems) to or through the stratum, where those rights are reasonably necessary for the reasonable enjoyment of the stratum or other land; and
  - (d) if the surface of the land above the stratum is a road, the prevention of interference with the public use of that land as a road by the exercise of any of the lessee's rights or obligations under the lease.

**12. *Power to grant licences***

- (1) The University of Melbourne may grant a licence to enter and use any part (including a stratum) of the land granted under section 8 or any building on that land for any purpose not inconsistent with and not detrimental to the reservation of that land.
- (2) A licence granted under this section—
  - (a) may be for a period not exceeding 25 years; and
  - (b) is subject to the terms and conditions determined by the University of Melbourne.
- (3) Without limiting sub-section (2), a licence granted under sub-section (1) in respect of a stratum of the land may include provisions relating to any of the following—
  - (a) access to and use of the stratum of land to be licensed; and



- (b) support of the stratum or other land or of any building or structure erected or to be erected on the land; and
- (c) any necessary rights of passage or provision of services (including drainage, sewerage or the supply of water, gas, electricity or communications systems) to or through the stratum, where those rights are reasonably necessary for the reasonable enjoyment of the stratum or other land; and
- (d) if the surface of the land above the stratum is a road, the prevention of interference with the public use of that land as a road by the exercise of any of the licensee's rights or obligations under the licence.

### **13. Other agreements**

- (1) The University of Melbourne may enter into agreements relating to the use or occupation of the land granted under section 8 for any purpose not inconsistent with and not detrimental to the reservation of that land.
- (2) An agreement under sub-section (1)—
  - (a) may be for a period not exceeding 25 years; and
  - (b) is subject to the terms and conditions determined by the University of Melbourne.

### **14. 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 Act.

### **15. Repeal of 1970 Act**

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**The Melbourne (Veterinary School) Lands Act 1970 is repealed.**

**No. 7937.**

**16. *Act does not affect certain interests***

Nothing in this Act affects the status or continuity of—

- (a) the occupancy, or any interest in the nature of an occupancy, by the Walter and Eliza Hall Institute for Medical Research of any part of the land described in Crown grant Volume 3844 Folio 670 revoked by section 5 for the purposes of its quarantine animal house facilities; or
  - (b) the licence dated 13 October 2000 between the University of Melbourne and Bioproperties (Australia) Pty. Ltd. ACN 007 303 728 over any part of the land described in Crown grant Volume 3844 Folio 670 revoked by section 5.
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*University of Melbourne Land Act 2000*

*Act No. 101/2000*

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**SCHEDULE**

**LAND IN RESPECT OF WHICH RESERVATION IS  
REVOKED**

**Veterinary School land**

|   |   |
|---|---|
| Situation and area of land:                             | At Parkville, Parish of Jika Jika, County of Bourke, 1.631 hectares as redefined by Act No. 7937, being allotment 1, section 13A.   |
| Instrument and date of reservation:                     | Order in Council dated 18 November 1913.  |
| Description of land by reference to Government Gazette: | Government Gazettes dated 1 October 1913, page 4384 and 26 November 1913, page 5097.  |
| Particulars of registration of Crown grant:             | Crown grant Volume 3844 Folio 670 as redefined by Act No. 7937  |
| Purpose of reservation:                                 | Site for the purposes of a School of Veterinary Science in the University of Melbourne (amended by Act No. 7937 to include for the purposes of carrying on of veterinary research and veterinary services by the State Department of Agriculture and for such similar or related or connected purposes and such other University purposes as may be agreed by the Minister of Agriculture and the University of Melbourne). |
| Extent of revocation:                                   | The entire reserve.   |

**ENDNOTES**

† *Minister's second reading speech—*

*Legislative Assembly: 2 November 2000*

*Legislative Council: 28 November 2000*

The long title for the Bill for this Act was "to provide for the revocation of a reservation and a Crown grant relating to land at Parkville, to provide for the re-reservation of that land and the granting of a restricted Crown grant of that land to the University of Melbourne, to repeal the **Melbourne (Veterinary School) Lands Act 1970** and for other purposes."