

Legislation Reform (Repeals No. 4) Bill 2009

Introduction Print

EXPLANATORY MEMORANDUM

Clause Notes

- Clause 1 sets out that the main purpose of the Bill is to repeal spent or redundant Acts relating to land.
- Clause 2 provides for the commencement of the Bill, which is to be the day after the day on which the Act receives the Royal Assent.
- Clause 3 provides for the Acts listed in the Schedule to be repealed.
- Clause 4 provides for the automatic repeal of this Act on the first anniversary of the day on which it receives the Royal Assent. Once the repeals made by this Act have taken effect, this Act will be spent.

SCHEDULE

Repeal of Acts

The Acts set out in the Schedule are spent or redundant.

The Acts to be repealed fall into 2 categories—

1 Spent Principal Acts

The Bill repeals the following Principal Acts relating to land. These Acts are no longer required because they have taken effect and are spent or redundant. Section 14 of the **Interpretation of Legislation Act 1984** provides that the repeal of these Acts will not affect the operation of, or anything done under, those Acts—

1.1 South and East Melbourne Lands Act 1906 (No. 2057)

Sections 2 and 3 of this Act partly revoked an Order in Council reserving land at South Melbourne and authorised the sale in fee simple of the land previously reserved to the Melbourne and Metropolitan Board of Works (*MMBW*),

which was authorised to buy it. Section 4 revoked Orders in Council reserving land in the City of Melbourne and section 5 authorised the MMBW, in whom the land was vested under the **Melbourne and Metropolitan Board of Works Act 1890**, to sell the land to the Victorian Eye and Ear Hospital, which was authorised to buy it. The revocations have come into effect and are spent. The land to be sold under section 3 was granted to the MMBW in 1908 and is now freehold land and the land to be sold under section 5 was transferred to the Victorian Eye and Ear Hospital in 1907. The 1906 Act can be repealed.

1.2 Ballarat Lands Act 1939 (No. 4716)

This Act revoked and partly revoked a number of Orders in Council and Crown grants relating to reserved land at Ballarat. This Act also repealed the **Ballarat Court House Land Act 1902** and partly repealed the **Ballarat Free Library (Borrowing) Act 1938** (now repealed) to the extent that the 1938 Act related to certain land and any mortgages relating to that land were revoked. The 1939 Act also redefined the boundaries of land used for a free library and deemed the **Ballarat Free Library (Borrowing) Act 1938** and any mortgage made under that Act to relate to land within the new boundaries. Most of the land previously reserved was deemed to be unalienated Crown land. Section 6 empowered the Governor in Council to reserve certain land for public offices. The reservation has taken effect. The revocation, repeal and deeming provisions have taken effect and are now spent. All land dealt with under the 1939 Act has subsequently been re-reserved for a number of purposes. The Crown's right under section 12 not to have to pay compensation to any person or body in respect of matters arising under the 1939 Act will be saved by section 14 of the **Interpretation of Legislation Act 1984**. The 1939 Act can be repealed.

1.3 Bendigo (Rosalind Park) Lands Act 1951 (No. 5551)

Section 2 of this Act provided for the revocation of Orders in Council and a Crown grant reserving land at Bendigo to enable the realignment of the boundaries of Rosalind Park. The Act also repealed the **Sandhurst Public Buildings Act 1882** (now repealed) to the extent that it related to certain land. The land previously reserved was then deemed to be unalienated Crown land. Section 2(5) is a saving provision in respect of that land. The relevant provisions have taken effect and are now spent. Under section 3(1) the Governor

in Council was empowered to reserve land described in Schedules 2 to 5 to that Act for various purposes. All this land was subsequently so reserved. Section 3(1) is redundant. Section 3(2) saved rights of foot-way and carriage-way over the land described in Schedule 2 to be reserved under section 3(1). These rights, the savings provision under section 2(5) and the Crown's right under section 5 not to have to pay compensation in respect of matters arising under the 1951 Act will be saved by section 14 of the **Interpretation of Legislation Act 1984**. The 1951 Act can be repealed.

1.4 Port Melbourne Lagoon Lands Act 1957 Act (No. 6105)

Section 2 of this Act vested certain land at Port Melbourne on which there was a pumping station in the Melbourne and Metropolitan Board of Works. The vesting of the land has taken effect. The 1957 Act can be repealed.

1.5 Kerang (Alexandra Park) Land Act 1962 (No. 6869)

Section 2 of this Act provided for the committee of management of land at Kerang permanently reserved as a site for a racecourse, public recreation and show yards to have the power to lease part of that land for the purposes of a drive-in theatre. There is no longer a drive-in theatre on the land, there are no remaining leases granted under that section and there is now power under section 17D of the **Crown Land (Reserves) Act 1978** for the trustees or the committee of management to lease the land. Section 2 is no longer required. The Crown's right under section 4 not to have to pay compensation in respect of any matter under the 1962 Act will be saved by section 14 of the **Interpretation of Legislation Act 1984**. The 1962 Act can be repealed.

1.6 Revocation and Excision of Crown Reservations Act 1972 (No. 8255/1972)

This Act partly revoked Orders in Council and a Crown grant in respect of reserved land at Mordialloc, Orbest and St Kilda and deemed the previously reserved land to be unalienated Crown land. Section 5(1) required the Melbourne and Metropolitan Board of Works to pay the trustees of certain land \$53 400. This money has been paid. The Crown's right under section 6 not to have to pay compensation in respect of matters arising under the 1972 Act will be saved by section 14 of the **Interpretation of Legislation Act 1984**. The 1972 Act can be repealed.

1.7 Bittern Land Act 1974 (No. 8535)

Section 2 of this Act gave power to the Committee of Management (the Corporation of the Shire of Hastings) of certain land reserved for public recreation in the parish of Bittern to grant a development lease over part of that land for the purposes of a golf course. Such a lease could not be granted to expire after 31 December 1996 so no further leases can be granted under section 2. This section is redundant. The Crown's right under section 2(4) not to have to pay compensation in respect of matters arising under that section will be saved by section 14 of the **Interpretation of Legislation Act 1984**. The 1974 Act can be repealed.

1.8 Revocation and Excision of Crown Reservations Act 1974 (No. 8601/1974)

This Act revoked and partly revoked or cancelled Orders in Council, Crown grants and a certificate of title relating to reserved land at South Melbourne, Ballarat, Buninyong and at Heatherton in the parish of Mordialloc and the land previously reserved was deemed to be unalienated Crown land. These provisions have taken effect and are spent. Under section 5, the trustee of land, part of which was no longer reserved due to the 1974 Act, was to be paid \$74 000 by the Country Roads Board. This provision has been complied with. The Crown's right under section 6 not to have to pay compensation in respect of matters arising under the 1974 Act (except as provided under the 1974 Act) will be saved by section 14 of the **Interpretation of Legislation Act 1984**. The 1974 Act can be repealed.

1.9 Revocation and Excision of Crown Reservations Act 1976 (No. 8847)

This Act revoked an Order in Council reserving land near Neerim and partly revoked other Orders in Council and a Crown grant relating to reserved land at Daylesford, in the parish of Wombat, at Mirboo North, at Bundoora in the parish of Keelbundora and at Keilor so that the land could be used for other purposes. The land previously reserved was deemed to be unalienated Crown land. These provisions have come into effect and are spent. Under section 5 the Governor in Council could by notice in the Government Gazette vest the land previously reserved at Bundoora in the parish of Keelbundora and occupied by a new pipeline constructed by the Melbourne and Metropolitan Board of Works in that Board. The land has

been vested in the Board. The Crown's right under section 6 not to have to pay compensation in respect of matters arising under the 1976 Act will be saved by section 14 of the **Interpretation of Legislation Act 1984**. The 1976 Act can be repealed.

1.10 Revocation and Excision of Crown Reservations Act 1981 (No. 9530)

This Act revoked in part Orders in Council relating to reserved land at Alexandra, San Remo and Cobden so that the land could be used for other purposes. The excised land was deemed to be unalienated Crown land. The relevant provisions have come into effect and are spent.

The Crown's right under section 5 not to have to pay compensation in respect of matters arising under the 1981 Act will be saved by section 14 of the **Interpretation of Legislation Act 1984**. The 1981 Act can be repealed.

1.11 Geelong Lands Act 1981 (No. 9538)

Section 2 of this Act revoked Orders in Council and a Crown grant reserving land at Geelong. Section 3 deemed the land to be unalienated Crown land. These revocations and deeming provisions have taken effect and are now spent. Section 3 also provided that the land may be re-reserved under the **Crown Land (Reserves) Act 1978** as a site for the Institute of Educational Administration and for public recreation. The land was reserved for such purposes in 1982. Section 3 is redundant. The Crown's right under section 4 not to have to pay compensation in respect of matters arising under the 1981 Act will be saved by section 14 of the **Interpretation of Legislation Act 1984**. The 1981 Act can be repealed.

1.12 French Island (Land Exchange) Act 1981 (No. 9587)

This Act authorised an exchange of Crown land for freehold land on French Island to consolidate the State park. Section 2 of this Act provided for an Order in Council temporarily reserving land to be partly revoked. Section 3 deemed certain land owned by various parties to be unalienated Crown land after having been transferred and surrendered to the Crown and the Treasurer paying a sum to the parties. In exchange for the surrendered land the parties specified in Schedule 3 were to be granted the land previously reserved under section 2 in fee simple. The land exchange has been completed. Sections 2 and 3 have come into effect and are spent. The Crown's right under section 4 not to have to pay compensation will be saved by section 14

of the **Interpretation of Legislation Act 1984**. The 1981 Act can be repealed.

1.13 Crown Reservations (Revocation and Excision) Act 1981 (No. 9641)

Sections 3 and 4 of this Act wholly or partly revoked Orders in Council and a Crown grant in so far as they related to reserved land at Mandurang South in the parishes of Mandurang and Murmangee and deemed the land to be unalienated Crown land. These provisions have come into effect and are spent. The previously reserved land has since been declared to be a road. Under section 6 due to the publication of a notice of completion of works certain land at Kew in the parish of Boorondara ceased to be a public road, was deemed to be unalienated Crown Land and became part of other reserved land at Kew in the parish of Boorondara. By a proclamation made under section 7 by the Governor in Council certain reservations over land at Kew in the parish of Boorondara were revoked and the land deemed to be unalienated Crown land. These provisions have taken effect and sections 6 and 7 are spent. Section 5, which allowed entry onto reserved land at Kew in the parish of Boorondara to carry out road work is no longer needed and is redundant. The Crown's right under section 9 not to have to pay compensation in respect of matters arising under the 1981 Act will be saved by section 14 of the **Interpretation of Legislation Act 1984**. The 1981 Act can be repealed.

1.14 Revocation and Excision of Crown Reservations Act 1982 (No. 9855)

This Act revoked wholly or in part Orders in Council relating to reserved land at Box Hill, Ballarat in the parishes of Coliban and Narrea Worran and at Melton and Eltham. The land previously reserved was deemed to be unalienated Crown land. The relevant provisions have come into effect and are spent. The Crown's right under section 4 not to have to pay compensation in respect of matters arising under the 1982 Act will be saved by section 14 of the **Interpretation of Legislation Act 1984**. The 1982 Act can be repealed.

1.15 Revocation and Excision of Crown Reservations Act 1983 (No. 9922)

Section 2(1) of this Act partly revoked Orders in Council relating to reserved land in the parishes of Colquhoun, Eildon, Keelbundora, Tarneit, Deutgam and in the City of Melbourne. Section 2(2) repealed section 86(1) of the **Cemeteries Act 1958** (now repealed) and any other Act in so far as they applied to certain land in the parish of Will-will-rook. Section 2(3) repealed section 8(1) and Schedule 2 to the **Emerald Tourist Railway Act 1977** and any other Act in so far as they applied to certain land in the parish of Gembrook. Land previously reserved was deemed to be unalienated Crown land under section 3. The Crown's right under section 4 not to have to pay compensation in respect of matters arising under the 1983 Act (except under an agreement under section 20A of the **Country Roads Act 1958**) will be saved by section 14 of the **Interpretation of Legislation Act 1984**. The 1983 Act can be repealed.

1.16 Land (Miscellaneous Matters) Act 1984 (No. 10139)

Sections 3 and 4 of this Act provided for the revocation in part of Orders in Council permanently reserving certain land in the parish of Prahran and at Whittlesea and for the land no longer subject to reservation to be deemed to be unalienated Crown land. Section 5(1) closed parts of certain roads at Geelong and deemed the land to be unalienated Crown land. The land concerned is now freehold land. These provisions have taken effect and are now spent. Section 6, which amended the **Melbourne General Market Lands Act 1917** (now repealed), has taken effect and is spent. The Crown's right under section 7 not to have to pay compensation (except under an agreement under section 45 of the **Transport Act 1983**) in respect of matters arising under the 1984 Act will be saved by section 14 of the **Interpretation of Legislation Act 1984**. The 1984 Act can be repealed.

1.17 South Melbourne Land Act 1985 (No. 10180)

Section 3(1) of this Act closed part of Bright Street in South Melbourne and all related rights, easements and privileges concerning the road ceased. The land was then deemed to be unalienated Crown land. This provision has come into effect and is spent. The Crown's right under section 4 not to have to pay compensation in respect of matters arising under the 1985 Act will be saved by

section 14 of the **Interpretation of Legislation Act 1984**.
The 1985 Act can be repealed.

1.18 Land (Miscellaneous Matters) Act 1985 (No. 10224)

This Act closed part of Moorabool Street in Geelong and associated rights, easements and privileges ceased. The proclamation proclaiming the road was also revoked. Section 4 of the 1985 Act authorised the Lord Mayor, Councillors and Citizens of Melbourne to surrender certain land used as a cattle market and for slaughtering to the Crown. This has been done. On surrender of the land, the land was deemed to unalienated Crown land and the market was extinguished. These provisions have come into effect and are spent. Section 4(3)(b) extinguished the right in any person to enter the previous market land to buy or sell animals. This provision has taken effect. Section 5(1) repealed Act 21 Victoria No. 11 and stated that certain Crown grants referred to in that Act were still valid. The **Newmarket Sheep Sales Act 1974** was also repealed and the **Local Government Act 1958** and the **Local Government Act 1890** were amended. The 1985 Act also partly revoked Orders in Council and a Crown grant relating to reserved land and section 86(1)(b) of the **Cemeteries Act 1958** (since repealed) in so far as it related to certain land and any other Order in Council or Proclamation in so far as it may affect that land. The previously reserved land was then deemed to be unalienated Crown land. These provisions all have come into effect and are spent. The Crown's right under section 8 not to have to pay compensation in respect of matters arising under the 1985 Act and the validating provision in section 5(1) will be saved under section 14 of the **Interpretation of Legislation Act 1984**. The 1985 Act can be repealed.

1.19 Land (Miscellaneous Matters) Act 1986 (No. 36/1986)

This Act revoked or partly revoked Orders in Council permanently reserving certain land at Bachus Marsh, in the parishes of Barrabool, Gembrook and Dandenong and at Torquay and deemed the land previously reserved to be unalienated Crown land. These revocation and deeming provisions have taken effect and are now spent. The 1986 Act also made amendments to the **Land Act 1958** and the **Local Government Act 1958**. The 1986 Act also amended the **Emerald Tourist Railway Act 1977** in so far as it applied to certain land in the parish of Gembrook. The amendments have taken effect and are spent.

The Crown's right under section 7(1) not to have to pay compensation in respect of matters arising under the 1986 Act will be saved by section 14 of the **Interpretation of Legislation Act 1984**. This right does not apply to an agreement for compensation in respect of the revocation of certain land described under section 7(2). The 1986 Act can be repealed.

1.20 Land (Miscellaneous Matters) Act 1987 (No. 30/1987)

This Act revoked and partly revoked Orders in Council permanently reserving certain land in the parishes of Cranbourne and Coleraine and deemed the land previously reserved to be unalienated Crown land. The 1987 Act also repealed the **Port Fairy Land Act 1981**. The revocation, deeming and repeal provisions have taken effect and are spent. The Crown's right under section 6 not to have to pay compensation in respect of matters arising under the 1987 Act will be saved by section 14 of the **Interpretation of Legislation Act 1984**. The 1987 Act can be repealed.

1.21 Land (Amendment and Miscellaneous Matters) Act 1987 (No. 75/1987)

This Act made amendments to the **Land Act 1958**, which have come into effect. Sections 5 and 6 partly revoked an Order in Council and Crown grant reserving land at South Melbourne and deemed the land subject to the revocation to be unalienated Crown land. The revocations and deeming provisions have taken effect and are spent. Section 8 revoked an Order in Council permanently reserving land at Benalla and provided that the vesting of that land in the State Transport Authority and leases granted by that Authority would not be affected by the revocation. The saving provision in section 8 and the Crown's right under sections 7 and 9 not to have to pay compensation in respect of matters arising under the 1987 Act will be saved by section 14 of the **Interpretation of Legislation Act 1984**. The 1987 Act can be repealed.

1.22 Warrnambool Land Act 1989 (No. 3/1989)

This Act partly revoked an Order in Council reserving land at Warrnambool and deemed the previously reserved land to be unalienated Crown Land. The revocation and deeming provisions have come into effect and are spent. The Crown's right under section 5 not to have to pay compensation in respect of matters arising under the 1989 Act will be saved by section 14 of the **Interpretation of Legislation Act 1984**. The 1989 Act can be repealed.

1.23 Frankston Lands Act 1989 (No. 32/1989)

This Act partly revoked an Order in Council reserving land for a public park at Frankston, deemed it to be unalienated Crown land and re-reserved the land for public recreation allowing it to be able to be leased to the Frankston Football Club. The Act deemed to be appointed under the **Crown Land (Reserves) Act 1978** the Corporation of the City of Frankston as committee of management over the re-reserved land. These provisions have taken effect and are spent or redundant. Section 6 provided that no compensation was payable by the Crown in respect of things arising under the 1989 Act. Section 7 ensured that regulations under the **Crown Land (Reserves) Act 1978** applying to all the land originally reserved continued to apply to the re-reserved land. The effect of section 7 and the right under section 6 will be saved by section 14 of the **Interpretation of Legislation Act 1984**. The 1989 Act can be repealed.

1.24 Land (Miscellaneous Matters) Act 1989 (No. 34/1989)

This Act revoked or partly revoked Orders in Council and Crown grants relating to certain reserved lands at Ballarat, Pomonal, Queen Victoria Hospital land, Malvern, Kaniva and Heidelberg. These revocations have come into effect and are spent. Section 15 provided for the Governor in Council, on the Minister's recommendation, to make an Order that would result in the changing of the boundaries of the Yarra Bend Park. This Order was made. Section 19 provided for trustees to be deemed to be appointed under the **Kew and Heidelberg Lands Act 1933** as trustees of the additional land at Yarra Bend Park and for their appointment to be revoked in relation to the land excised from that Park. Section 18 removed certain rights of the Melbourne Metropolitan Board of Works under certain Acts in relation to land excised from the Yarra Bend Park but certain rights of carriageway were saved under section 18(2). These rights will continue to be saved by section 14 of the **Interpretation of Legislation Act 1984** (the *ILA*). The 1989 Act also made amendments to the **Kew and Heidelberg Lands Act 1933**, the **Kew and Heidelberg Lands Act 1958** and the **Melbourne Lands Act 1987** and repealed the **Moolap Salt Works Act 1896** and the **Wangaratta Lands Act 1933**. All these provisions have taken effect and are spent. The Crown's right under section 20 not to have to pay compensation in respect of things arising out of the 1989 Act (except under

section 45(3) of the **Transport Act 1983** in respect of certain land) will be saved by section 14 of the ILA. The 1989 Act can be repealed.

1.25 Yackandandah Land Act 1990 (No. 9/1990)

The purpose of this Act was to revoke permanently reserved land at Yackandandah so that the land could be exchanged for other land surrendered to the Crown. Section 3 partly revoked the Order in Council reserving land. The land previously reserved was then deemed under section 4 to be unalienated Crown land and under section 5 the committee of management under the **Crown Land (Reserves) Act 1978** was revoked in relation to that land. These provisions have come into effect and are spent. The land is now freehold land. The Crown's right under section 6 not to have to pay compensation in respect of matters arising under the 1990 Act will be saved by section 14 of the **Interpretation of Legislation Act 1984**. Section 7 applied the **Subdivision Act 1988** to certain land surrendered to the Crown under section 12A of the **Land Act 1958**. The Minister administering section 12A was given the power to execute documents or do anything under the **Subdivision Act 1988** in relation to a plan of subdivision including the surrendered land. Section 7 is no longer required as all the surrendered land has been subdivided. The 1990 Act can be repealed.

1.26 Land (IOOF) Act 1990 (No. 47/1990)

This Act repealed the **Oddfellows Hall (Melbourne) Land Act 1930** and revoked an Order in Council and a Crown grant relating to land in the City of Melbourne reserved for use by the Society known as the Independent Order of Oddfellows of Victoria. The land previously reserved was deemed to be unalienated Crown land and the trustees of the land were discharged from their liabilities. These provisions have taken effect and are spent. The Crown's right under section 6 not to have to pay compensation in respect of matters arising under the 1990 Act will be saved by section 14 of the **Interpretation of Legislation Act 1984**. The 1990 Act can be repealed.

1.27 Land (Reservations Removal) Act 1991 (No. 37/1991)

This Act revoked a number of Orders in Council reserving land at Spencer Street to the extent that they were not already revoked and also discharged certain land at Spencer Street from any reservation for railway purposes. These provisions have taken effect and are spent. Section 4

validated certain dealings with certain land and deemed the land to never have been subject to reservation for railway purposes. The effect of section 4 and the Crown's right under section 5 not to have to pay compensation in respect of matters arising under the 1991 Act will be saved by section 14 of the **Interpretation of Legislation Act 1984**. The 1991 Act can be repealed.

1.28 Portarlington Land Act 1991 Act (No. 71/1991)

Section 3 of this Act partly revoked an Order in Council reserving the foreshore of Port Arlington. Section 4 deemed the previously reserved land to be unalienated Crown land, revoked the appointment of any committee of management relating to that land and revoked any regulations under the **Crown Land (Reserves) Act 1978** applying to that land. These provisions have taken effect and are spent. The Crown's right under section 5 not to have to pay compensation in respect of matters arising under the 1991 Act will be saved by section 14 of the **Interpretation of Legislation Act 1984**. Section 5 may be repealed. Section 6, which provides that section 85 of the **Constitution Act 1975** is altered or varied due to section 5, is no longer required. The 1991 Act can be repealed.

1.29 Land (Miscellaneous) Act 1991 (No. 77/1991)

This Act revoked a number of Orders in Council relating to reserved land at Dingee, Glenrowan, Charam and Trentham. An Order in Council relating to reserved land at Janefield was partly revoked and the land re-reserved. These provisions have come into effect and are spent. Orders in Council and a Crown grant relating to reserved land at the Caulfield racecourse were partly revoked. The land no longer reserved ceased to be a racecourse and was taken to be a road. Part of a road at the racecourse ceased to be a road and was deemed to be permanently reserved for racing, recreation and public park purposes. These provisions have taken effect and are spent as is section 9 which deemed the land no longer reserved to be unalienated Crown land and revoked the appointment of any relevant committee of management and any regulations under the **Crown Land (Reserves) Act 1978** applying to that land. The Crown's right under section 10 not to have to pay compensation in respect of matters arising under the 1991 Act will be saved by section 14 of the **Interpretation of Legislation Act 1984**. Section 11, which alters or varies section 85 of the **Constitution Act 1975** due to section 10, is no longer required. The 1991 Act can be repealed.

1.30 Sunshine Land Act 1992 (No. 77/1992)

This Act revoked or partly revoked Orders in Council permanently reserving land at Sunshine. The land previously reserved was deemed to be unalienated Crown land, management of the land reverted to the Crown, any appointment of a committee of management for the land was revoked and any applicable regulations under the **Crown Land (Reserves) Act 1978** were revoked. The relevant provisions have come into effect and are spent. The Crown's right under section 5 not to have to pay compensation in respect of matters arising under the 1992 Act (except under an agreement under section 45 of the **Transport Act 1983**) will be saved by section 14 of the **Interpretation of Legislation Act 1984**. Section 6 which alters or varies section 85 of the **Constitution Act 1975** due to section 5 is no longer required. The 1992 Act can be repealed.

1.31 Land (Miscellaneous Matters) Act 1993 (No. 27/1993)

This Act contains a number of provisions which revoked or partly revoked Orders in Council and Crown grants relating to reserved land at South Melbourne, Drysdale, Mildura and in the parishes of Gunbower, Pompapiel, Rich Avon and Myamyn. Section 17 deemed the previously reserved land to be unalienated Crown land and divested management of the land from the relevant controlling persons or bodies, revoked the appointment of any relevant committee of management and any regulations under the **Crown Land (Reserves) Act 1978** that applied to the land. These provisions have all come into effect and are spent. Section 4 enabled the registered proprietor of certain land at South Melbourne to surrender it to the Crown. This surrender has occurred. Section 4(2) saves any lease over the land. Sections 12 and 15 amended the **Land Act 1958** and are spent. Section 13 enabled the Attorney-General to authorise the surrender of certain land to the Crown and extinguished an easement and mortgage relating to the land on the surrender of the land. The land has been surrendered. Section 14 authorised the surrender of land at Oxley to the Crown. This surrender did not occur as the transfer of the land to the Crown took effect before the section commenced. This section is no longer required. The savings provision under section 4(2) and the Crown's right under section 19 not to have to pay compensation in respect of matters arising under the 1993 Act will be saved by section 14 of the **Interpretation of Legislation Act**

1984. Section 20, which alters or varies section 85 due to section 19 of the **Constitution Act 1975**, is no longer required. The 1993 Act can be repealed.

1.32 Land (Further Miscellaneous Matters) Act 1994 (No. 6/1994)

Section 3 of this Act removed a trust for cemetery purposes over Yarram Memorial Gardens and deemed the land to be unalienated Crown land. Sections 4 and 5 revoked Orders in Council reserving land at Ballarat and in the parish of Wurdí Youang. Sections 6 and 7 revoked Orders in Council reserving land at Romsey Park and deemed the land to be re-reserved under the **Crown Land (Reserves) Act 1978 (CL(R)A)** and deemed the committee of management under the original reservations to be appointed under the CL(R)A in respect of the re-reserved land. Section 8 revoked an Order in Council reserving land at Anglesea. All these revocation and deeming provisions have come into effect and are spent. Section 9 saved the operation of the **Mines (Aluminium Agreement) Act 1961** and agreements and rights and obligations under that Act. Sections 10 and 11, which made amendments to the **Land Act 1958** and the **Melbourne Lands Act 1987 (MLA)**, have taken effect and are spent. Section 12 validates certain actions relating to the inclusion of land under the MLA. Section 13 enabled the Governor in Council to revoke Orders in Council reserving land at Cathedral Place. This was done and the land was sold. Section 14 enabled leases for extraction of shell grit to be issued over land at Lake Victoria. There are no existing leases and this power is no longer required. This section is redundant and may be repealed. Section 15 divested the Thomson River Railway Bridge and associated land from the Shire of Narracan and deemed it be unalienated Crown land and certain rights and privileges conferred and obligations imposed on the Shire ceased. Section 16 repealed the **Railways (Thomson River Bridge) Act 1962**. Section 17 deemed (subject to Part 5) all land previously reserved under Orders in Council revoked under the 1994 Act to be unalienated Crown land and revoked the appointment of any relevant committee of management over the land and any regulations under the CL(R)A applying to the land. Sections 15, 16 and 17 have come into effect and are spent. The savings provision under section 9, the validation provision under section 12 and the Crown's right under section 19 not to have to pay compensation in respect of matters arising under the 1994 Act will be saved by section 14 of the **Interpretation of**

Legislation Act 1984. Section 20, which alters or varies section 85 of the **Constitution Act 1975** due to section 19, is no longer required. The 1994 Act can be repealed.

1.33 Land (Revocation of Reservations) Act 1995 (No. 13/1995)

This Act revoked or partly revoked a number of Orders in Council and Crown grants in respect of reserved land at Maryborough, Ballarat and Bendigo and deemed the previously reserved land to be unalienated Crown land, revoked the appointment of any relevant committee of management over the land and any regulations under the **Crown Land (Reserves) Act 1978** applying to the land. These provisions have taken effect and are spent. The Crown's right under section 8 not to have to pay compensation in respect of matters arising under the 1995 Act will be saved by section 14 of the **Interpretation of Legislation Act 1984**. Section 9, which alters or varies section 85 of the **Constitution Act 1975** due to section 8, is no longer required. The 1995 Act can be repealed.

1.34 Land (Miscellaneous) Act 1995 (No. 47/1995)

This Act revoked or partly revoked a number of Orders in Council and a Crown grant in respect of reserved land at Geelong, Langwarrin and Wendouree, deemed the previously reserved land to be unalienated Crown land, and revoked the appointment of any relevant committee of management over the land and any regulations under the **Crown Land (Reserves) Act 1978** applying to the land. It also divested control of certain land previously reserved for Harding Park from the Greater Geelong City Council. These provisions have taken effect and are spent. The Crown's right under section 8 not to have to pay compensation in respect of matters arising under the 1995 Act will be saved by section 14 of the **Interpretation of Legislation Act 1984**. Section 9, which alters or varies section 85 of the **Constitution Act 1975** due to section 8, is no longer required. The 1995 Act can be repealed.

1.35 Land Revocations (And Other Matters) Act 1995 (No. 94/1995)

This Act revoked and partly revoked a number of Orders in Council, Crown grants and reservations under various Acts in respect of reserved land at Launching Place, Myrniong, Beaufort, Maryborough, Colac, Fairfield, Warrenheip, Jan Juc and Toolangi, deemed the previously reserved land to be unalienated Crown land and revoked the appointment

of any relevant committee of management over the land and any regulations under the **Crown Land (Reserves) Act 1978** applying to the land. Certain previously reserved land at Fairfield was permanently re-reserved for certain purposes and the Secretary to the Department of Health and Community Services was deemed to be the committee of management for that land under the **Crown Land (Reserves) Act 1978**. Part 3 of the 1995 Act amended the **Kew and Heidelberg Lands Act 1933** and Part 4 amended the **Ballarat (Sovereign Hill) Land Act 1970** and repealed the **Ballarat (Sovereign Hill) Land Act 1973**. These provisions have come into effect and are spent and may be repealed. The 1995 Act can be repealed.

1.36 Land (Revocation of Reservations) Act 1996 (No. 49/1996)

This Act revoked or partly revoked a number of Orders in Council and Crown grants in respect of reserved land at Maffra, Marong, Creswick, Epping, Ballarat, Mount Martha, Koroit, South Melbourne, Stawell, Seaford, Jindivick and Faraday. The 1996 Act deemed the previously reserved land to be unalienated Crown land and revoked the appointment of any relevant committee of management over the land and any regulations under the **Crown Land (Reserves) Act 1978** applying to the land. The 1996 Act can be repealed.

1.37 Land (Further Revocation of Reservations) Act 1996 (No. 69/1996)

This Act revoked and partly revoked a number of Orders in Council and Crown grants in respect of reserved land at Carisbrook, Bullarto South and Burnley, deemed the previously reserved land to be unalienated Crown land, revoked the appointment of any relevant committee of management over the land and any regulations under the **Crown Land (Reserves) Act 1978** applying to the land. The 1996 Act can be repealed.

1.38 Land (Revocation of Miscellaneous Reservations) Act 1997 (No. 21/1997)

This Act contains provisions that revoked or partly revoked certain Orders in Council and a Crown grant relating to reserved land at Bairnsdale and Skenes Creek and partly revoked a reservation of land at Phillip Island deemed to be reserved under the **Crown Land (Reserves) Act 1978**. Section 6 deemed the previously reserved land to be unalienated Crown land and revoked any relevant

committees of management and regulations relating to the land. These provisions have taken effect and are spent. The 1997 Act can be repealed.

**1.39 Land (Revocation of Reservations) Act 1998
(No. 61/1998)**

This Act contains provisions that revoked and partly revoked certain Orders in Council relating to reserved land at Bairnsdale, Korkuperrimul and Nunawading. Section 6 deemed the previously reserved land to be unalienated Crown land and revoked any relevant committee of management and regulations under the **Crown Land (Reserves) Act 1978** relating to the land. These provisions have taken effect and are spent. The 1998 Act can be repealed.

**1.40 Land (Further Revocation of Reservations) Act 1998
(No. 68/1998)**

This Act revoked or partly revoked a number of Orders in Council, Crown grants and reservations imposed by certain Acts in respect of reserved land at Kangaroo Flat, Carlton, Allendale, South Yarra, Fairfield and Bendigo and deemed the previously reserved land to be unalienated Crown land. The 1998 Act also revoked the appointment of any relevant committee of management over the land and any regulations under the **Crown Land (Reserves) Act 1978** applying to the land. The 1998 Act also repealed the **Bendigo (Dai Gum San Village) Land Act 1975**. These provisions have taken effect and are spent. The 1998 Act can be repealed.

**1.41 Land (Revocation of Reservations) Act 2000
(No. 40/2000)**

This Act revoked or partly revoked Orders in Council, a Crown grant and other reservations relating to reserved land at Boort, Stawell, Lorne, Albert Park and other land. The land previously reserved was deemed to be unalienated Crown land and any committee of management and regulations under the **Crown Land (Reserves) Act 1978** relating to that land were revoked. The **Australian Grands Prix Act 1994** was also amended. These provisions have come into effect and are spent. Section 8(2) provided that the revocation of the Crown grant referred to in that section did not affect the reservation of certain land. The effect of this provision will be saved by section 14 of the **Interpretation of Legislation Act 1984**. The 2000 Act can be repealed.

**1.42 Land (Further Revocation of Reservations) Act 2001
(No. 3/2001)**

This Act revoked or partly revoked Orders in Council relating to reserved land at Barwon Heads and South Melbourne and revoked an Order in Council and Crown grant relating to reserved land at Ballarat. Land previously reserved under an Order in Council was deemed to be unalienated Crown land and any committee of management and regulations under the **Crown Land (Reserves) Act 1978** relating to that land were revoked. These provisions have come into effect and are spent. The 2001 Act can be repealed.

1.43 Land (Miscellaneous) Act 2004 (No. 21/2004)

This Act revoked or partly revoked Orders in Council and Crown grants relating to reserved land at Kyneton, Sandhurst, Birrarung Marr and Queenscliff. The reservation of certain land at Fawkner under the **Cemeteries Act 1958** (now repealed) was also revoked. Land previously reserved was deemed to be unalienated Crown land and any committee of management and regulations under the **Crown Land (Reserves) Act 1978** relating to that land were revoked. The land previously reserved at Birrarung Marr was deemed to be temporarily reserved under the **Crown Land (Reserves) Act 1978** for public purposes. These provisions have come into effect and are spent or redundant. Part 3 of this 2004 Act amended the **Melbourne Cricket Ground Act 1933** and the **Melbourne Cricket Ground Trust Act 1989** to add a stratum of land to the Southern Stand at the Melbourne Cricket Ground (Part 3 has already been repealed). The 2004 Act can be repealed.

**1.44 Land (Revocation of Reservations) Act 2005
(No. 13/2005)**

This Act revoked or partly revoked Orders in Council and a Crown grant relating to reserved land at Richmond Park and Sandhurst. Land previously reserved was deemed to be unalienated Crown land and any committee of management and regulations under the **Crown Land (Reserves) Act 1978** relating to that land were revoked. The land previously reserved at Sandhurst was deemed to be temporarily reserved under the **Crown Land (Reserves) Act 1978** for public purposes (nature conservation). These provisions have come into effect and are spent or redundant. The 2005 Act can be repealed.

1.45 Land (Further Miscellaneous) Act 2006 (No. 46/2006)

This Act partly revoked Orders in Council and Crown grants relating to reserved land at Belmont, Moreland South and Bendigo. Land previously reserved was deemed to be unalienated Crown land and any committee of management and regulations under the **Crown Land (Reserves) Act 1978** relating to that land were revoked. These provisions have come into effect and are spent. The 2006 Act can be repealed.

2 Spent Amending Acts with transitional or substantive provisions

The Bill repeals the following amending Acts relating to land that contain transitional, saving or validation provisions or substantive provisions. The amendments or repeals made by the Acts are wholly in operation and have amended or repealed the provisions of Acts they were enacted to amend or repeal. Any transitional and saving provisions are no longer required because of the passage of time and subsequent enactments since the Acts were enacted. The substantive provisions are no longer required because they have taken effect and are spent or redundant. Any residual or continuing effect of any transitional and saving provisions and the effect of any validation provisions will be saved by section 14 of the **Interpretation of Legislation Act 1984**—

2.1 National Parks (Amendment) Act 1981 (No. 9570)

This amending Act made various amendments to the **National Parks Act 1975** (the *NPA*) including altering the land contained in various national parks and other parks and also creating the Otway National Park and other national parks and parks. The 1981 Act also amended the **Mt Hotham Alpine Resort Act 1972** which has since been repealed. Section 3(9) deemed land, which before the amendments formed part of certain national parks and other parks, to be unalienated Crown land. Section 3(10) deemed land forming part of a national park before the amendments to be reserved forest after the amendments. Section 3(11) provided that if certain land was not surrendered to the Crown by 1 October 1981, that it would be deemed to be excluded from the land described as the Bogong National Park at that time and that any tenancy granted by the Minister of that land under section 32AB of the NPA would have no effect until the title was surrendered. The land has been transferred to the Crown and now forms part of the Alpine National Park. Sections 3(12) and 3(13) provided that certain roads in parks ceased to be roads and that

associated rights, easements and privileges concerning those roads ceased and that certain land in parks ceased to be reserved forest. All these provisions have taken effect and are spent. The 1981 Act can be repealed.

2.2 National Parks (Amendment) Act 1984 (No. 10073)

This Act made various amendments to the **National Parks Act 1975** including the alteration to land contained in various national parks and other parks and also the creation of the Grampians National Park and other parks. The 1984 Act also amended the **Mt Hotham Alpine Resort Act 1972** (since repealed). These provisions have all taken effect (except section 4(9)) and may be repealed. Section 4(9) has since been repealed. Sections 4(10), 4(11), 4(12) and 4(13) deemed land previously included in parks before the amendments to be unalienated Crown land or to be reserved forest and that certain roads ceased to be roads and associated rights also ceased and that certain parts of parks ceased to be reserved forest. These provisions have taken effect and are spent. Section 14(1), which validates the surrender and transfer of certain land by the Melbourne and Metropolitan Board of Works (*MMBW*) to the Crown, will be saved by section 14 of the Interpretation of Legislation Act. Section 14(2) of the 1984 Act authorised the surrender and transfer of any of the land still held by the MMBW to the Crown. The land has been transferred to the Crown and this provision is spent. The 1984 Act can be repealed.

2.3 National Parks (Amendment) Act 1987 (No. 7/1987)

This Act amended the **National Parks Act 1975** to establish new parks and to enlarge and vary the boundaries of existing parks. Sections 4(10), 4(11), 4(12) and 4(14) provided that certain roads in parks ceased to be roads and associated rights ceased, that certain land in parks ceased to be reserved forest and that certain land previously forming part of a particular park before the amendments was deemed to be unalienated Crown land. All these provisions have come into effect and are spent. Section 4(13) provided that, if certain described land was not surrendered to the Crown before the commencement of section 4(3), the land would be deemed excluded from the land described as the Warby Range State Park until the surrender. This land has been surrendered. The 1987 Act can be repealed.

2.4 National Parks and Wildlife (Amendment) Act 1988 (No. 7/1988)

This Act amended the **National Parks Act 1975** (the *NPA*) to change the boundaries of certain parks, to abolish a park and establish new parks including the Point Nepean National Park. Sections 4(11), 4(12) and 4(14) provided that as a result of those amendments certain roads and associated rights, privileges and easements ceased, certain land ceased to be reserved forest and certain land was deemed to be unalienated Crown land. All these provisions have come into effect and are spent. Section 4(13) provided that if certain described land was not surrendered to the Crown by a certain time, the land was deemed to be excluded from the Point Nepean National Park until surrendered. This land has been surrendered to the Crown and now forms part of that park. Section 7(1) amended section 43 of the *NPA* in relation to prohibiting carrying on in a park a trade or business authorised under another Act or law. This amendment has taken effect and is spent. Section 7(2) preserved the rights of persons (with exceptions) to carry out such trades or businesses that were authorised before a certain time. The continuing effect of this provision will be saved by section 14 of the **Interpretation of Legislation Act 1984**. Section 7 may be repealed. Part 3 of the 1988 Act also amended the **Wildlife Act 1975** to provide greater protection for wildlife and to make other miscellaneous amendments to that Act. These provisions have taken effect and are spent. The 1988 Act can be repealed.

2.5 Land (Miscellaneous Matters) and National Tennis Centre (Amendment) Act 1994 (No. 90/1994)

This Act amended the **National Tennis Centre Act 1985**, the **Land (Revocation of Reservations) Act 1994** and the **Land (Further Miscellaneous Matters) Act 1994**.

This Act also repealed the **Mordialloc Public Hall and Court House Act 1965** and the **Buninyong (Recreation Reserve) Land Act 1971**. The 1994 Act also revoked or partly revoked Orders in Council and Crown grants relating to reserved land in the parishes of Keelbundora and Nillumbik and at Coburg, Hawthorn, Nagambie, Beaumaris, Buninyong and Lorne and discharged certain land in the parishes of Keelbundora and Nillumbik and Mordialloc from reservations. The land previously reserved was deemed to be unalienated Crown Land and the appointment of any committee of management and any

regulations under the **Crown Land (Reserves) Act 1978** applying to those lands were revoked. All these provisions have taken effect and are spent. The Crown's right under section 21 not to have to pay compensation in respect of matters under the 1994 Act will be saved by section 14 of the **Interpretation of Legislation Act 1984**. Section 22, which was inserted because of section 21, alters or varies section 85 of the **Constitution Act 1975** and is no longer required. The 1994 Act can be repealed.