

LEGISLATIVE ASSEMBLY

Read 1° 1 December 1982

(Brought in by Mr Roper and Mr Fordham)

A BILL

To provide for the surrender to the Crown of certain land the greater part of which is used for the purposes of the St. Nicholas Hospital, which land is no longer required for the purposes of a Hospital, and to enable the sale thereof.

WHEREAS the land shown hatched in the Schedule (hereinafter in these recitals called "the St. Nicholas Hospital land") was at one time occupied by the Royal Children's Hospital:

5 And whereas upon other land more suitable for its purposes being made available to it the Royal Children's Hospital agreed to yield up possession of the St. Nicholas Hospital land to the intent that it be surrendered to Her Majesty:

And whereas the St. Nicholas Hospital land has not been surrendered to Her Majesty:

10 And whereas it is expedient that that land be surrendered to Her Majesty by virtue of this Act:

And whereas the greater part of that land is presently used for the purposes of the St. Nicholas Hospital:

And whereas it is desirable that the services now provided by the St. Nicholas Hospital be distributed more widely throughout the community to enable the more effective provision of those services:

And whereas it is expedient to authorize the sale of the St. Nicholas Hospital land or a part or parts thereof so that the proceeds of sale may be applied for or towards the cost of redistributing the aforementioned services and of providing further and additional services;

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. (1) This Act may be cited as the *St. Nicholas Hospital (Sale of Land) Act 1982.*

Commencement.

(2) This Act shall come into operation on the day upon which it receives the Royal Assent.

2. In this Act "the St. Nicholas Hospital land" means the land shown hatched in the Schedule.

Surrender of St. Nicholas Hospital site.

3. The St. Nicholas Hospital land shall be deemed to be unalienated land of the Crown freed and discharged from all rights trusts limitations and restrictions whatsoever and from every estate or interest therein.

Power to Governor in Council to sell St. Nicholas Hospital land as he thinks fit.

4. (1) Notwithstanding anything to the contrary in the *Land Act 1958* or in any other Act or in any law custom or usage the Governor in Council in the name of and on behalf of Her Majesty may sell the St. Nicholas Hospital land or any part or parts thereof in such manner, whether by auction, tender or private treaty, and for such consideration as the Governor in Council thinks fit in the circumstances and may grant land so sold to the purchaser subject to such covenants conditions exceptions and reservations as the Governor in Council thinks necessary.

Disposal of proceeds of sale.

(2) Any proceeds of a sale under sub-section (1), after deduction of the costs and charges of the sale, shall be paid into the Consolidated Fund.

(3) The

(3) The Treasurer may under the Authority of this Act—

(a) issue and apply out of the Works and Services Account;
or

(b) pay out of the Consolidated Fund—

5 (which are each hereby to the necessary extent appropriated accordingly), or partly in one way and partly in the other, an amount not exceeding the amount paid under sub-section (2) into the Consolidated Fund.

Appropriation
of amount not
exceeding
proceeds of sale.

10 (4) The amounts issued and applied or paid out under sub-section (3) shall be paid to the Health Commission and may be applied only for or towards the purpose of establishing accommodation, services and facilities (including services and facilities further or additional to the services and facilities which on the day of commencement of this Act were available at the St. Nicholas
15 Hospital) for intellectually handicapped persons.

Application of
funds.

(5) In this section “sell” includes exchange and “sale” and “sold” have corresponding interpretations.

“Sell.”

20 5. (1) The Registrar of Titles is hereby authorized and directed to make all such cancellations of or entries upon any Crown grant or certificate of title or duplicate Crown grant or duplicate certificate of title or other document as are necessary or expedient in consequence of this Act and the holder of any such duplicate Crown grant or duplicate certificate of title or other document shall, produce the same to the Registrar of Titles for such purpose.

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

25 (2) The Registrar-General is hereby authorized and directed to make all such entries upon the records of enrolment of any Crown grant or upon any memorial as are necessary or expedient in consequence of this Act.

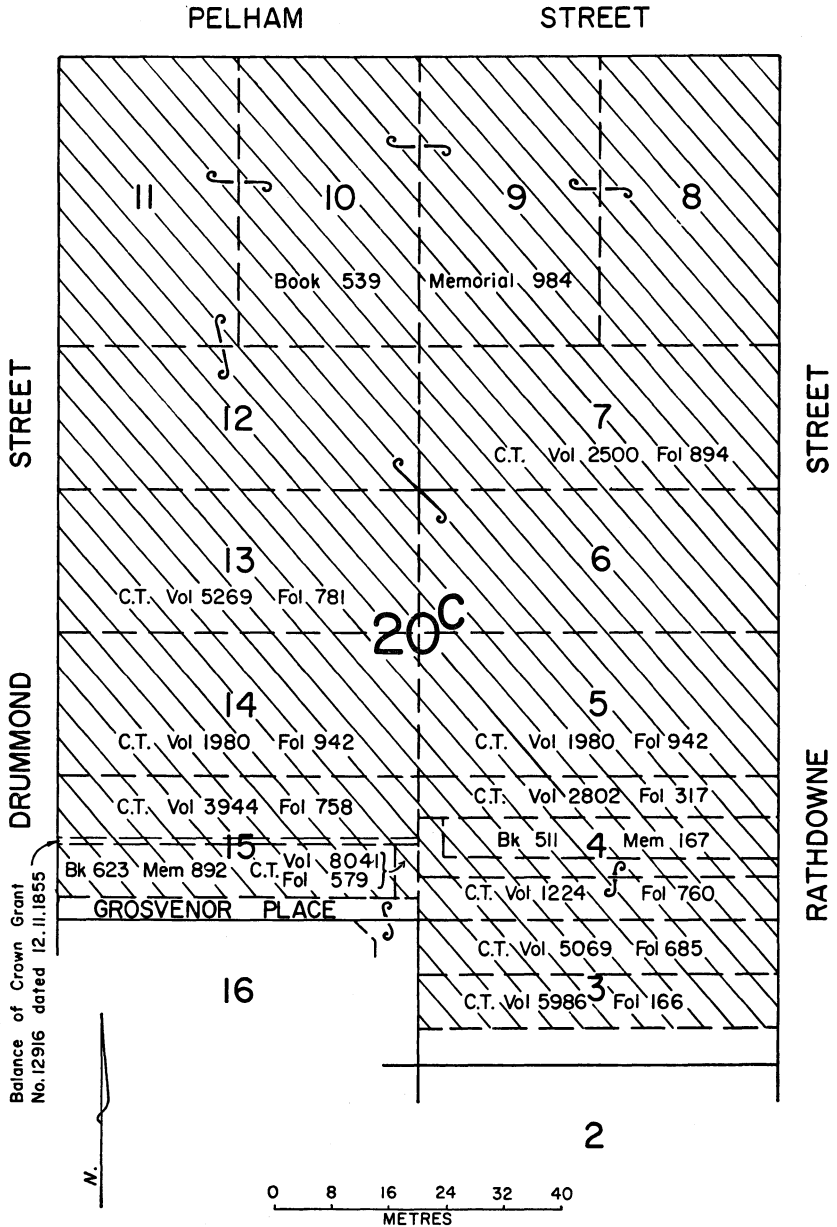
Authority and
direction to
Registrar-
General to
make
necessary
entries.

30 6. No person or body of persons corporate or unincorporate shall be entitled to 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.

SCHEDULE

Land at Carlton, Parish of Jika Jika which shall be deemed to be unalienated land of the Crown.



Balance of Crown Grant No. 12916 dated 12.11.1855