

# East Carey Park Land Vesting Act 1957

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**THE TEXT OF THE LEGISLATION FOLLOWS**



Western Australia

# East Carey Park Land Vesting Act 1957

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## NOTES



## East Carey Park Land Vesting Act 1957

**An Act to Facilitate Re-subdivision of Certain Land for purposes of the *State Housing Act 1946*.**

*[Assented to 6th December, 1957.]*

Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows: —

**1. Short title and citation**

This Act may be cited as the *East Carey Park Land Vesting Act 1957*.

**2. Interpretation**

In this Act unless the context requires otherwise —

**“amending Acts”** means the *Public Works Act Amendment Act 1955* and the *Public Works Act Amendment Act 1956*;

**“Commission”** means The State Housing Commission constituted under the *State Housing Act 1946*;

**“Gazetted notice”** means a notice which was published pursuant to the *Public Works Act 1902* in the *Gazette* of the

twenty-fifth day of August, one thousand nine hundred and fifty, and by which the Gazetted land was vested in the Crown for an estate in fee simple in possession for the purposes of providing cottages for railway employees at Bunbury, the provision of which was authorized by the specified Order in Council;

**“Gazetted land”** means

- (a) all those pieces of land being firstly, portion of each of Wellington Locations 493 and 494 and being Lots 20, 23 to 34 inclusive, and part of each of Lots 19, 21, and 22, on plan 4824; and secondly, portion of Wellington Location 296; the subject of Certificate of Title Volume 1136, Folio 784 under the *Transfer of Land Act 1893*; and
- (b) the Crown land which until the fifth day of January, one thousand nine hundred and fifty-one comprised Reserve No. 935 under the *Land Act 1933*, which Reserve was cancelled by Order in Council made on that day and notified in the *Gazette* of the nineteenth day of January, one thousand nine hundred and fifty-one;

**“specified Order in Council”** means an Order in Council which authorized the Honourable Minister for Railways to undertake, construct or provide additions and improvements to the South-Western Railway at Bunbury (Cottages for Railway Employees) on the Gazetted land, and which was published in the *Gazette* of the twenty-fifth day of August, one thousand nine hundred and fifty.

### **3. Provisions for facilitating re-subdivision**

In order to facilitate re-subdivision of the Gazetted land for the purposes of the *State Housing Act 1946*—

- (a) (i) so much of the Gazetted land as is the subject of Certificate of Title Volume 1136, Folio 784, is

hereby removed from the operation of the *Transfer of Land Act 1893*, and is hereby constituted Crown land according to the meaning given to the expression, "Crown land" by section four of the *Land Act 1933*;

- (ii) the Governor may grant to the Commission the fee simple in possession
  - in the Gazetted land; and
  - in the land comprised in the road and right-of-way closed by paragraph (b) of this section;

either without reservation, or with such reservations including reservation to the Crown of rights to mines of coal and other minerals, if any, in the land, as the Governor thinks fit; but the Commission shall not be required to pay any consideration or fee for the grant;

- (iii) the specified Order in Council is hereby cancelled; and
- (iv) the Gazetted notice having been published on the twenty-fifth day of August, one thousand nine hundred and fifty, and the amending Acts having come into operation on the thirteenth day of December, one thousand nine hundred and fifty-five, and the twenty-seventh day of December, one thousand nine hundred and fifty-six respectively, it is hereby further expressly enacted in order to avoid any doubt which might otherwise arise, that the amendments to the Public Works Act, 1902, effected by the amending Acts do not apply and shall be deemed never to have applied, to or in respect of the Gazetted land, the operation of the provisions of this Act in general, the exercise by the Governor of any power conferred by this Act

in particular, or the use of the land for any of the purposes of the *State Housing Act 1946*; and

- (b) on the coming into operation of this Act
- (i) the public road known as Carlotta Street, being a road one chain wide along the southern boundaries of Lots 31 to 34 inclusive on Land Titles Office Plan No. 4824; and a public right-of-way, thirty links wide, along the northern boundaries of Lots 31 to 34 inclusive on Land Titles Office Plan 4824;  
are hereby closed and all rights-of-way over them cease; and
  - (ii) the land comprised in the road and right-of-way so closed is hereby revested in Her Majesty as of Her former estate and is removed from the operation of the Transfer of Land Act 1893, in order that it may be included in the re-subdivision of the Gazetted land which is referred to in subparagraph (i) of paragraph (a) of this section, and in order that the fee simple in possession in the land comprised in the road and right-of-way so closed may also be granted to the Commission in the manner prescribed by subparagraph (ii) of paragraph (a) of this section.



**Notes**

- <sup>1.</sup> This is a compilation of the *East Carey Park Land Vesting Act 1957* and includes all amendments effected by the other Acts referred to in the following Table.

**Table of Acts**

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Act	Number and Year	Assent	Commencement	Miscellaneous
<i>East Carey Park Land Vesting Act 1957</i>	67 of 1957	6 December 1957	6 December 1957	

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