

EAST CAREY PARK LAND VESTING.

6° Elizabeth II., No. LXVII.

No. 67 of 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:—

Short title
and citation.

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

Interpre-
tation.

2. In this Act unless the context requires otherwise—

Nos. 59 of
1955, and 55
of 1956.

“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 authorised by the specified Order in Council;

Cf. Gazette,
25th August,
1950, p. 1995.

“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;

Cf. Gazette,
19th January,
1951, p. 111,
notifying
cancellation
of Reserve
No. 935.

“specified Order in Council” means an Order in Council which authorised 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

Cf. Gazette,
25th August,
1950, p. 1975.

published in the *Gazette* of the twenty-fifth day of August, one thousand nine hundred and fifty.

Provisions for facilitating re-sub-division.

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

Land constituted "Crown land."

(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;

Power for Governor to grant land to State Housing Commission.

(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;

Cancellation of specified Order in Council.

(iii) the specified Order in Council is hereby cancelled; and

Retrospective operation of amending Acts negatived in respect of land, etc.

(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

Closure of
Carlotta
Street and a
certain
right-of-way
at Bunbury.

- (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.