

RESERVES.

No. 95 of 1973.

AN ACT relating to certain Reserves and other Lands, and to repeal the East Perth Public Hall Act, 1930.

[Assented to 27th December, 1973.]

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. This Act may be cited as the *Reserves Act*, Short title.
1973.

PART I.—VARIOUS RESERVES.

2. (1) The classification of Class A of Reserve No. 11099 comprising Mundaring Lots 59 and 60, containing 4047 square metres, set apart for Recreation

Reserve No.
11099 at
Mundaring.

and Parklands, and vested in the Shire of Mundaring is hereby cancelled.

(2) The purpose of the reserve is changed to "Civic Purposes" and power to lease may be conferred on the Shire of Mundaring.

Reserve
No. 13974
at Napier.

3. The purpose of Reserve No. 13974, classified as of Class A, containing about 45 hectares and set apart for the purpose of "Resting Place for Stock" is hereby changed to "Parklands".

Reserve
No. 12205 at
Carnarvon.

4. (1) Reserve No. 12205 classified as of Class A, comprising Carnarvon Lot 383, containing 3764 square metres, set apart for Public Recreation and vested in the Shire of Carnarvon is hereby cancelled.

(2) The land that is available from the reserve cancelled by the operation of subsection (1) of this section shall be included in adjoining Reserve No. 24138 which is set apart for the purpose of "School-site (Carnarvon High School)".

Reserve
No. 25555 at
East Pingelly.

5. (1) Reserve No. 25555, classified as of Class A, containing 2049 hectares and set apart for Conservation of Flora and Fauna is hereby amended by excising an area of 1.4555 hectares surveyed as Avon Location 28469.

(2) The Governor is authorized to grant the land excised by the operation of subsection (1) of this section to John Percival Marshall of East Pingelly, farmer, as a Crown Grant in the form of the Third Schedule to the Land Act, 1933, without charge, such land being additional to Avon Location 28437 which was granted to the said John Percival Marshall by way of exchange for portion of Avon Location 6442 and being Lot 1 on diagram No. 41217.

6. (1) Reserve No. 14803, classified as of Class A, comprising Merredin Lots 524 and 236, containing 13.3698 hectares and set apart for Park Lands and Recreation is hereby amended by excising an area of 2474 square metres surveyed as part of Merredin Lot 1271.

Reserve
No. 14803 at
Merredin.

(2) The land excised by the operation of subsection (1) of this section shall be included in Reserve No. 29870 for the purpose of Drainage.

7. (1) Reserve No. 10504, classified as of Class A, containing 81.9286 hectares, set apart for Recreation and Stopping Place and controlled by the Shire of Manjimup is hereby amended by excising an area of 2.0393 hectares surveyed as Nelson Location 13088.

Reserve
No. 10504 on
Perup River.

(2) The land excised by the operation of subsection (1) of this section shall be declared open for selection under the provisions of Part V of the Land Act, 1933.

8. (1) Reserve No. 25466, classified as of Class A, comprising Mosman Park Lot 589, containing 26.2717 hectares, set apart for Recreation and vested in the Town of Mosman Park is hereby amended by excising an area of 892 square metres surveyed as Mosman Park Lot 607.

Reserve
No. 25466 at
Mosman Park

(2) The land excised by the operation of subsection (1) of this section shall be reserved again for the purpose of "Water Supply".

9. (1) Reserve No. 28126, classified as of Class A, comprising Esperance Locations 247, 335 and 1892, containing about 115 hectares and set apart for a Park is hereby cancelled.

Reserve
No. 28126 at
Esperance.

(2) The land that is available from the reserve cancelled by the operation of subsection (1) of this section shall be again reserved in the manner described in the next following subsections of this section.

(3) Portion of Esperance Location 1892, identified as Esperance Location 1958 and containing about 19.15 hectares shall together with Esperance Locations 247 and 335 be reserved for "Government Requirements".

(4) The portion of Esperance Location 1892 remaining after the creation of Esperance Location 1958 and containing about 98.58 hectares shall be reserved for "Golf Course and Club Premises" and a Crown Grant in trust for that purpose shall be issued to the Esperance Golf Club (Inc.).

Reserve
No. 12071 at
Roebourne.

10. (1) Reserve No. 12071, classified as of Class A, containing 6.13 hectares, set apart for Education Endowment and held in fee simple in trust for the purpose of Public Education by the Trustees of the Public Education Endowment is hereby amended by excising a portion comprising those portions of Roebourne Lots 266, 267, 268 and 272 comprised in that part of the said reserve situate south-west of Road No. 14275 and containing in the aggregate an area of 3485 square metres.

(2) The portion of the reserve excised by the operation of subsection (1) of this section is hereby revested in Her Majesty as of Her former estate and is removed from the operation of the Transfer of Land Act, 1893.

(3) The portion of the land excised by the operation of subsection (1) of this section shall be used in part to create a deviation of Sholl Street and the balance included in a reserve to be created for the purpose of Public Utilities (Fire Brigade, Ambulance and Civil Defence).

Reserve
No. 24522 at
Cervantes.

11. (1) Reserve No. 24522, classified as of Class A, containing 3757 hectares, set apart for Preservation of Caves and National Park, being part of Nambung National Park and controlled by the National Parks Board is hereby amended by exercising an area of 2.7122 hectares surveyed as Melbourne Location 3991.

(2) The land excised by the operation of subsection (1) of this section shall be included with other lands in a reserve for the purpose of "Water Supply".

12. (1) Reserve No. 31362, classified as of Class A, containing about 17,630 hectares, set apart for National Park, being the Walpole-Nornalup National Park, and controlled by the National Parks Board is hereby amended by excising an area of 65.7240 hectares surveyed as Nelson Location 13100.

Reserve
No. 31362 at
Walpole.

(2) The land excised by the operation of subsection (1) of this section shall be again reserved for the purpose of Recreation and Golf Course and shall vest for that purpose in the Shire of Manjimup with power to lease.

13. (1) Reserve No. 2851, classified as of Class A, containing 134.0394 hectares, set apart for Recreation and Camping and vested in the Shire of Mandurah is hereby amended by excising an area of 9.7741 hectares surveyed as Murray Location 1644.

Reserve
No. 2851 at
Caddadup.

(2) The land excised by the operation of subsection (1) of this section shall be reserved again for "Motor Race Track" and vested in the Shire of Mandurah for that purpose with power to lease.

14. (1) Reserve No. 18325, classified as of Class A, comprising Swan Locations 3301, 3762, 5563 and 7727, containing 163.7186 hectares, set apart for Recreation and vested in the City of Stirling is hereby amended by excising an area of 3486 square metres surveyed as Swan Location 8932.

Reserve
No. 18325 at
Mount
Lawley.

(2) The land excised by the operation of subsection (1) of this section shall be reserved again for the purpose of an Electricity Switching Station.

Reserve
No. 24258 at
Albany.

15. (1) Reserve No. 24258, classified as of Class A, comprising Plantagenet Locations 6111 and 6112, containing about 3850 hectares, set apart for National Park and Recreation, being the Torndirrup National Park and controlled by the National Parks Board is hereby amended by excising an area of 3600 square metres identified as Plantagenet Location 7234.

(2) The land excised by the operation of subsection (1) of this section shall be reserved again for the purpose of a "Light house".

Reserves
Nos. 745 and
22910 at
Karrakatta.

16. (1) Reserve No. 745, comprising portion of Swan Location 1668, containing 103.7260 hectares comprised in Certificate of Title Volume 182 Folio 36 and set apart for "Cemeteries" is hereby amended by excising an area of 6.5832 hectares surveyed and shown as part of Swan Location 1668 and being Lot 1 on Office of Titles diagram No. 45758.

(2) The land excised by the operation of subsection (1) of this section—

(a) is hereby revested in Her Majesty as of Her former estate and is removed from the operation of the Transfer of Land Act, 1893; and

(b) shall again be reserved for the purpose of Parks and Gardens, classified as of Class A and may be vested in such manner as the Governor may approve.

(3) The balance of Reserve No. 745 comprised in Certificate of Title Volume 182 Folio 36 after the operation of subsection (1) of this section shall by force of this section and without any conveyance, transfer or assignment be transferred to and vested in the Trustees of the Karrakatta Cemetery subject to any debts, trusts and liabilities affecting the land.

£ (4) Reserve No. 22910, comprising Swan Location 5236, containing 2.0209 hectares, comprised in Certificate of Title Volume 1199 Folio 339 and set apart for "Cemetery" shall by force of this section and without any conveyance, transfer or assignment be

transferred to and vested in the Trustees of the Karrakatta Cemetery for an estate in fee simple subject to any debts, trusts and liabilities affecting the land.

17. The purpose of Reserve No. 6638, classified as of Class A, containing 77.8514 hectares, set apart for "Park lands" and vested in the City of Fremantle is hereby changed to Recreation.

Reserve
No. 6638 at
Fremantle.

18. (1) Reserve No. 13375, classified as of Class A, containing 7.8079 hectares, set apart for "Roads, Park and Public Recreation" and vested in the City of Perth is hereby amended by excising an area of 200 square metres or thereabouts shown coloured brown on Lands and Surveys Miscellaneous Plan No. 642.

Reserves Nos.
13375, 17826
and 17827 at
East Perth.

(2) Reserve No. 17826, classified as of Class A, comprising Perth Lots S35, T66 and 567, containing 2.7367 hectares, set apart for the purpose of "Park and Gardens" and vested in the City of Perth is hereby amended by excising an area of 2673 square metres or thereabouts shown coloured brown on Lands and Surveys Miscellaneous Plan No. 642.

(3) Reserve No. 17827, classified as of Class A, comprising Perth Lot 568, containing 3566 square metres and set apart for "Park and Gardens" is hereby amended by excising an area of 1750 square metres or thereabouts shown coloured brown on Lands and Surveys Miscellaneous Plan No. 642.

(4) The lands excised by the operation of subsections (1) to (3) inclusive of this section shall be declared to be public streets.

19. (1) Reserve No. 8731, classified as of Class A, comprising Swan Locations 2853 and 2855, containing 111.5567 hectares, set apart for "Public Park and Recreation" and vested in fee simple in the City of Perth solely for Public Park and Recreation Purposes

Reserve
No. 8731 at
Leederville.

is hereby amended by excising an area of 14 hectares or thereabouts shown coloured green on Lands and Surveys Miscellaneous Plan No. 643.

(2) The land excised by the operation of subsection (1) of this section shall be used as part of the Mitchell Freeway after its surrender to Her Majesty by the City of Perth.

Reserve
No. 9633 at
Mandurah.

20. (1) Reserve No. 9633, classified as of Class A, comprising Cockburn Sound Location 2047, containing 6.7052 hectares, set apart for Recreation and vested in the Shire of Mandurah is hereby amended by excising an area of 8075 square metres surveyed as Cockburn Sound Location 2283.

(2) The land excised by the operation of subsection (1) of this section shall be reserved again for "Health Services Centre".

PART II.—EAST PERTH PUBLIC HALL.

Interpre-
tation.

21. In this Part "the repealed Act" means the Act repealed by section 22 of this Act.

Act No. 32
of 1930.
Repealed.

22. The East Perth Public Hall Act, 1930 is hereby repealed.

Reserve
No. 20430
(Perth lot
019).

23. (1) Reserve No. 20430 (Perth Lot 019) held in trust under the repealed Act is hereby cancelled.

(2) The land available from the reserve cancelled by the operation of subsection (1) of this section after the sale of portion thereof in accordance with the Order in Council dated the 11th September, 1973—

- (a) is hereby vested in Her Majesty as of Her former estate and removed from the operation of the Transfer of Land Act, 1893; and
- (b) may be disposed of in such manner as the Governor may approve.

24. (1) Trusts under the repealed Act are hereby revoked. Revocation
of trusts.

(2) All the revenue accumulated or payable, immediately before the coming into operation of subsection (1) of this section, under the trusts thereby revoked shall be paid into a trust fund at the Treasury and shall be applied—

- (a) firstly in payment of all debts and liabilities outstanding and unpaid in respect of those trusts; and
 - (b) as to the residue thereof after such payment, in such manner as the Governor, on the recommendation of the Minister for Lands, may approve.
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