

House of Assembly—No 59A

As reported with an amendment, report agreed to and passed remaining stages,
30 June 2020

South Australia

Waite Trust (Vesting of Land) Bill 2020

A BILL FOR

An Act to allow the Minister for Education to vest a portion of the land that is subject to the terms of the Peter Waite Trust in the Commissioner of Highways.

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Preamble

- 1 By transfer dated 26 February 1914, certain land in Urrbrae owned by Peter Waite was transferred in fee simple to the Crown.
 - 2 The relevant land was a gift for the purposes of the establishment of an agricultural high school and is subject to a charitable trust for those purposes.
 - 3 The Government requires a portion of the land, of which the Minister for Education is the registered proprietor in fee simple, to be used for the purpose of carrying out roadworks.
 - 4 To allow for such a purpose, the terms of the Waite Trust must be varied to allow the Minister for Education to vest a portion of the relevant land in the Commissioner of Highways.
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The Parliament of South Australia enacts as follows:

1—Short title

This Act may be cited as the *Waite Trust (Vesting of Land) Act 2020*.

2—Commencement

- 5 This Act comes into operation on a day to be fixed by proclamation.

3—Interpretation

In this Act, unless the contrary intention appears—

Commissioner means the Commissioner of Highways;

Minister means the Minister for Education;

- 10 **prescribed land** means the land comprised by the following:

- (a) the whole of Allotment 332 in Filed Plan 12138 contained in Certificate of Title Register Book Volume 5540 Folio 952;
- (b) the whole of Allotment 10 in Deposited Plan 39536 contained in Certificate of Title Register Book Volume 5540 Folio 952;

roadworks has the same meaning as in the *Highways Act 1926*;

Waite land means the land comprised by the following:

- (a) the whole of Allotment 332 in Filed Plan 12138 contained in Certificate of Title Register Book Volume 5540 Folio 952;
- (b) the whole of Allotment 10 in Deposited Plan 39536 contained in Certificate of Title Register Book Volume 5540 Folio 952;
- (c) the whole of Allotment 101 in Deposited Plan 12019 contained in Certificate of Title Register Book Volume 5408 Folio 215;

Waite Trust means the charitable trust arising from the transfer of the Waite land from Peter Waite to the Crown dated 26 February 1914 for the purposes of the establishment of an agricultural high school, as varied by the *Waite Trust (Miscellaneous Variations) Act 1996*.

4—Variation of Waite Trust

- (1) The terms of the Waite Trust are varied to allow the Minister to vest, by notice published in the Gazette, a portion of the prescribed land as may be determined by the Minister in the Commissioner in an estate in fee simple.
- (2) On the publication of a notice under subsection (1)—
 - (a) any land vested in the Commissioner by the notice is freed and discharged from the terms of the Waite Trust and any other relevant interests, conditions, covenants, easements or reservations; and
 - (b) any dedication made under the *Crown Lands Act 1929*, the *Crown Land Management Act 2009* or any other Act in relation to the land vested in the Commissioner by the notice is revoked.
- (3) If the Commissioner no longer requires any land vested in the Commissioner under this section such land must be revested in the Minister in accordance with the scheme prescribed by the regulations.
- (4) Any land revested in the Minister under subsection (3) will be taken, at the time of revesting, to be subject to the terms of the Waite Trust and any other relevant interests, conditions, covenants, easements, reservations or dedications prescribed by the regulations for the purposes of this subsection.
- (5) The Registrar-General—
 - (a) must, on application by the Minister or the Commissioner, take such action as the Registrar-General considers appropriate to record or give effect to the vesting of land under this section (including by issuing, noting or amending any certificate of title); and
 - (b) may take any other action in relation to any instrument, or against any land, that may be considered by the Registrar-General to be appropriate on account of the operation of this section (including by noting that any relevant land is affected by the operation of this Act).
- (6) No stamp duty is payable with respect to the vesting of land under this section.

5—Immunity from liability

No civil or criminal liability attaches to a person in respect of any act or omission done in good faith and without negligence under or in accordance with this Act.

6—Regulations

5 The Governor may make such regulations as are contemplated by, or necessary or expedient for the purposes of, this Act.