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**ELIZABETHAE II REGINAE**

A.D. 1970

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**No. 48 of 1970**

An Act to vest in The Corporation of the City of Mitcham certain land vested in the Minister of Education and for purposes incidental thereto.

[Assented to 10th December, 1970.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

Short title.

1. This Act may be cited as the "Kingswood Recreation Ground (Vesting) Act, 1970".

Definitions.

2. In this Act—

"the appointed day" means the day fixed by the Minister as the appointed day pursuant to section 3 of this Act :

"the Committee" means the persons, in their capacity as such, for the time being constituting the Committee, referred to in a certain declaration of trust executed by one William Harvey as Minister of Education and purporting to be executed on the seventeenth day of July, One thousand nine hundred and eighteen :

"the Committee property" means all moneys and other personal property that belonged to the Committee immediately before the appointed day :

"the corporation" means The Corporation of the City of Mitcham :

“the Minister” means the Minister of Education :

“the recreation ground” means the balance of the land remaining in Certificate of Title Register Book Volume 759 Folio 184 and known as the “Kingswood Recreation Ground” :

“the Registrar-General” means the person for the time being holding the office of Registrar-General under the Real Property Act, 1886-1969, or the Registrar-General of Deeds under the Registration of Deeds Act, 1935-1962.

**3.** (1) Subject to this section, the Minister may, by notice published in the *Gazette*, fix a day to be the appointed day for the purposes of this Act. Appointed day.

(2) The Minister shall not fix a day pursuant to subsection (1) of this section until he is satisfied that arrangements have been made to permit the use of the recreation ground, after the appointed day, by—

(a) children attending such public schools, as the Minister sees fit, as a school playground or for the purposes of sport, recreation, physical culture or other activities ;

and

(b) such other persons or bodies who or which were entitled to use the recreation ground immediately before the appointed day.

(3) Nothing in subsection (2) of this section shall be construed as limiting or restricting the power of the corporation, on and after the appointed day, to make arrangements, not inconsistent with the arrangements referred to in that subsection, to permit the use of the recreation ground by children attending any school, whether a public school or not, as a school playground or for the purposes of sport, recreation, physical culture or other activities.

**4.** On and after the appointed day the recreation ground shall— Vesting of recreation reserve.

(a) cease to be vested in the Minister ;

and

(b) vest in the corporation for an estate in fee simple freed and discharged from any trust, estate, right, title, interest, claim or demand of any description whatsoever.

Transfer of  
Committee  
property.

5. On and after the appointed day, the Committee property shall cease to belong to the Committee and shall belong to the corporation and may be used for such purposes or disposed of in such manner as the corporation sees fit.

Dissolution  
of the  
Committee  
and saving  
of claims,  
etc.

6. (1) On the appointed day the Committee shall for all purposes be wound up and dissolved and, subject to subsection (2) of this section, thereafter all claims, actions or proceedings which—

(a) but for that dissolution could have been made or commenced by or against the Committee, may be made or commenced by or against the corporation in all respects as if the Committee has not been wound up and dissolved and the corporation were the Committee ;

and

(b) before that dissolution had been made or commenced by or against the Committee, may be continued by or against the corporation in all respects as if the Committee had not been wound up and dissolved and the corporation were the Committee and the name of the corporation shall be substituted for the name of the Committee, or the names of the several members thereof, in any such claim, action or proceeding.

(2) Notwithstanding anything in subsection (1) of this section, no claim, action or proceeding in relation to any trust, estate, right, title, interest, claim or demand referred to in paragraph (b) of section 4 of this Act shall, pursuant to that section, be made, commenced or continued against the corporation.

Power of  
the Registrar-  
General.

7. After the appointed day the Registrar-General shall, upon the application of the corporation, cause to be made such entries and endorsements in any register book or other record in his custody and on any document of title as he considers appropriate for giving full effect to this Act.

In the name and on behalf of Her Majesty, I hereby assent  
to this Bill.

J. W. HARRISON, Governor.