

STATE CANNERY (SALE) ACT,

Act No. 38, 1935.

George V.
No. 38, 1935. An Act to authorize the sale of the State Cannery, Leeton: to amend the Crown Lands Consolidation Act, 1913, and certain other Acts; and for purposes connected therewith. [Assented to, 11th April, 1935.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Short title. 1. This Act may be cited as the "State Cannery (Sale) Act, 1935."

Power to sell cannery, etc. 2. (1) Notwithstanding anything contained in the Crown Lands Consolidation Act, 1913, or in any other Act the Governor is hereby authorised to sell to a society registered under the Co-operation Act, 1923-1935, all those pieces or parcels of land described in the Schedule hereto together with the several buildings, erections, works, fixed engines, machinery, and plant thereon, also moveable plant, machinery, equipment and other chattels (not being stock-in-trade or stores) used in connection with or adapted or intended to be used for the purposes of the State Cannery, Leeton, and also stock-in-trade and stores held in connection with the said cannery by the Water Conservation and Irrigation Commission at the time of completion of the contract for sale.

(2) The sale authorised by this Act shall be a sale for cash and may be made at such price and subject to such exceptions, reservations, conditions and provisions as the Governor may think fit.

Without prejudice to the generality of the foregoing provisions of this subsection—

(a) the contract for sale may provide for the creation of easements over the land described in the

the Schedule to this Act or over any part of such land, and that the easements shall be in favour of the Crown or the Water Conservation and Irrigation Commission or the holder for the time being of any land within the Yanco No. 1 Irrigation Area specified in the contract;

(b) the conditions of sale may include—

- (i) a special condition relating to the performance by the purchaser of contracts or orders entered into with or accepted by the Water Conservation and Irrigation Commission before completion of the contract for sale, in connection with the business of the State Cannery, Leeton, and any matters incidental to or arising out of such performance and such conditions shall be enforceable notwithstanding the payment of the purchase money and the issue of the Crown grant referred to in subsection three of this section;
- (ii) a special condition as to the user of the fire service tank constructed on portion No. 521, parish of Willimbong, county of Cooper, being the land secondly described in the Schedule to this Act.

(3) The Governor may, pursuant to such sale, issue a Crown grant or Crown grants in such form as the Governor may approve, to the purchaser.

Such Crown grant or Crown grants shall be for an estate in fee simple and shall contain—

- (a) a reservation of all minerals in the land, such minerals to be those defined by or under the Mining Act, 1906, and any Act amending or replacing the same;
- (b) such of the exceptions, reservations, conditions and provisions contained or referred to in the contract for sale as are or may be applicable after grant;
- (c) if a special condition is imposed pursuant to subparagraph (ii) of paragraph (b) of subsection two of this section, a provision for forfeiture of the grant, if such special condition is not complied with;
- (d)

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(d) such other exceptions, reservations, conditions and provisions as may, by the Governor, be deemed expedient in the public interest.

(4) The moneys arising from the sale shall be carried by the Colonial Treasurer to the General Loan Account and the Special Deposits, Murrumbidgee Irrigation Areas Working Account, in such proportions as he may determine.

Crown and Water Conservation and Irrigation Commission not liable for certain damage.

3. Neither the Crown nor the Water Conservation and Irrigation Commission shall be liable to the holder for the time being of any land granted pursuant to this Act for any damage sustained to such land or to any property thereon by subsidence, flood, seepage, soakage, reflux, overflow, or oversupply of water howsoever caused or arising which may from time to time or at any time, either before or after the commencement of this Act, in any manner whatsoever, be caused by or arise out of the construction, maintenance, alteration and use of and addition to any works constructed or to be constructed under the Barren Jack Dam and Murrumbidgee Canals Construction Act, 1906, the Murrumbidgee Irrigation Act, 1910, or the Irrigation Act, 1912, or any Act amending any of those Acts or under any other Act, whether passed before or after the commencement of this Act, for the conservation, distribution and/or drainage of water or by the works constructed under any such Acts, being wholly or in part destroyed, damaged or affected by fire, flood, storm, tempest or otherwise howsoever.

Purchaser not to use certain words in connection with business.

4. The holder for the time being of any land granted pursuant to this Act shall not at any time use or suffer or permit to be used in any way in connection with any business carried on or to be carried on by him or otherwise a name of which the words "State" or "State of New South Wales" or "Government" or "Government of New South Wales" form part or any name or words that may be calculated to suggest that any business carried on by him has any concern with His Majesty or the Water Conservation and Irrigation Commission, or is a continuation of any business of the said Commission.

5.

5. The Water Conservation and Irrigation Commission may grant licences over any tanks, channels or drains of the Commission for such periods and subject to such terms and conditions (including conditions as to payment for or in respect of the licence or for or in respect of the maintenance of the tank, channel or drain over which the licence is granted) as the said Commission may think fit, to the holder for the time being of any land granted pursuant to this Act.

Power of
Water
Conservation
and
Irrigation
Commission
to grant
licences.

SCHEDULE.

Firstly, all that piece or parcel of land situated in the parish of Yarangery, county of Cooper, and State of New South Wales, and being portion 467 of said parish: Commencing at a point on the eastern side of a lane bearing 166 degrees 40 minutes 221.7 links from the northernmost north-western corner of portion 530 in the said parish and bounded thence on the north-west by a line bearing 76 degrees 53 minutes 99.1 links; thence on the north-east by a line bearing 166 degrees 56 minutes 139.6 links; thence on the south-east by a line bearing 256 degrees 37 minutes 98.4 links; thence on the south-west by a line bearing 346 degrees 40 minutes 139.9 links to the point of commencement containing an area of 22 perches or thereabouts.

And as shown on Plan Cat. No. 85/46 in the office of the Water Conservation and Irrigation Commission, Sydney.

Secondly, all that piece or parcel of land situated in the parish of Willimbong, county of Cooper, and State of New South Wales, and being portion 521 of said parish: Commencing on the north-eastern side of Wamoon-avenue at a point bearing 13 degrees 45 minutes 229.7 links from the easternmost corner of portion 520 in said parish and bounded thence on the south-west by the north-eastern side of Wamoon-avenue aforesaid bearing 314 degrees 22 minutes 180 links; thence on the north-west by a line bearing 44 degrees 22 minutes 100 links; thence on the north-east by a line bearing 134 degrees 22 minutes 22.4 links; thence again on the north-west by a line bearing 51 degrees 21 minutes 125.9 links; thence again on the north-east by a line bearing 134 degrees 22 minutes 142.3 links; and thence on the south-east by a line bearing 224 degrees 22 minutes 225 links to the point of commencement containing an area of 1 rood 18 perches or thereabouts.

And as shown on Plan Cat. No. 85/55 in the office of the Water Conservation and Irrigation Commission, Sydney.

Thirdly, all that piece or parcel of land situated in the parish of Willimbong, county of Cooper, and State of New South Wales, and being portion 519 of said parish: Commencing at the intersection of the north-western side of Wamoon-avenue and the eastern side of a drainage reserve 75 links wide at a point bearing 44 degrees 14 minutes

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— minutes 107.3 links from the south-eastern corner of portion 187 in said parish, and bounded thence on the west by said side of said drainage reserve bearing 359 degrees 55 minutes 1,968.6 links; thence on the north-east by the south-western side of a drainage reserve 100 links wide bearing 128 degrees 1,383.6 links; thence on the south-east by the north-western side of Wamoon-avenue aforesaid bearing 224 degrees 14 minutes 1,558.7 links to the point of commencement containing an area of 10 acres 2 roods 35 perches or thereabouts.

And as shown on Plan Cat. No. 85/53 in the office of the Water Conservation and Irrigation Commission, Sydney.

Fourthly, all that piece or parcel of land situated in the parish of Willimbong, county of Cooper, and State of New South Wales, and being portion 520 of said parish: Commencing at the northern-most north-eastern corner of portion 552 parish of Yarangery and bounded thence on the south-east and north-east by a north-western and the south-western boundary of said portion 552 being lines successively bearing 256 degrees 8 minutes 30 seconds 127.1 links and 166 degrees 53 minutes 30 seconds 266.8 links; thence again on the south-east by a line bearing 256 degrees 44 minutes 30 seconds 348.7 links; thence on the south-west by a line bearing 346 degrees 39 minutes 30 seconds 275.4 links; thence again on the south-east by a line bearing 257 degrees 2 minutes 689.4 links; thence again on the south-west by part of the north-eastern side of a road successively bearing 297 degrees 6 minutes 679 links and 351 degrees 56 minutes 82 links to the south-eastern side of Wamoon-avenue; thence generally on the north-west and north-east by the generally south-eastern and south-western sides of the said avenue being lines successively bearing 44 degrees 14 minutes 1,050 links, 54 degrees 28 minutes 248.1 links, 62 degrees 57 minutes 230.3 links, 83 degrees 4 minutes 132 links, 106 degrees 44 minutes 153.3 links, 127 degrees 32 minutes 133 links, and 134 degrees 22 minutes 449.7 links to the north-eastern corner of portion 509 in the said parish; thence again on the south-east the north-east and the north-west by the boundaries of that portion by lines bearing successively 264 degrees 22 minutes 156.5 links, 256 degrees 36 minutes 50 links, 166 degrees 36 minutes 66.6 links and 76 degrees 36 minutes 233.8 links to the south-western side of Wamoon-avenue; thence by part of the south-western side of that avenue by a line bearing 134 degrees 22 minutes 291.2 links; thence on the east by a line bearing 179 degrees 14 minutes 79.1 links to the north-western side of a road; thence again on the south-east by the north-western boundary of that road by a line bearing 256 degrees 35 minutes 419.6 links; thence again on the north-east by a line bearing 166 degrees 39 minutes 30 seconds 301.1 links to the point of commencement containing an area of 18 acres or thereabouts.

And as shown on Plan Cat. No. 85/54 in the office of the Water Conservation and Irrigation Commission, Sydney.

REURNED