

KU-RING-GAI CHASE ACT.

Act No. 43, 1961.

Elizabeth II, No. 43, 1961 An Act to make provisions relating to the dedication of Ku-ring-gai Chase as a public park; to provide for the appointment of trustees of the Chase under the Public Parks Act, 1912, as amended by subsequent Acts; to provide for the addition of Crown lands thereto; to validate certain matters; and for purposes connected therewith. [Assented to, 29th November, 1961.]

BE

BE it enacted by the Queen's Most Excellent Majesty, by **No. 43, 1961** 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 :—

1. (1) This Act may be cited as the "Ku-ring-gai Chase Act, 1961". Short title and commencement.

(2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

2. (1) The land described in the Schedule to this Act (in this Act referred to as the Chase) is hereby dedicated as a public park under the name of "Ku-ring-gai Chase" and shall be deemed to be a public park within the meaning of the Public Parks Act, 1912, as amended by subsequent Acts. Dedication of Ku-ring-gai Chase as a public park under the Public Parks Act, 1912.

(2) Any dedications affecting the Chase or any part thereof subsisting immediately before the commencement of this Act are hereby revoked.

(3) Any Crown grants issued in respect of any land within the Chase subsisting immediately before the commencement of this Act are hereby cancelled.

3. Where pursuant to any appointment before the commencement of this Act of persons as trustees of the Chase purporting to have been validly made and which may not have been so validly made, such persons acted as and were considered to be or accepted as trustees of the Chase, such persons shall be deemed to have been validly appointed as such trustees and to have validly held office as such trustees during the period they so acted. Validation.

4. (1) The persons who immediately before the commencement of this Act held office as or were deemed to have held office as trustees of the Chase or any part thereof (in this Act referred to as the former trustees) shall, as on and from such commencement, cease to hold office as such trustees but shall be eligible for appointment as the first trustees under subsection two of this section. Appointment of trustees.

(2)

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(2) Trustees of the Chase shall be appointed by the Governor under the Public Parks Act, 1912, as amended by subsequent Acts.

(3) The corporate name of the body corporate comprised of the trustees so appointed and their successors (in this Act referred to as the body corporate) shall be deemed to have been prescribed under the Public Parks Act, 1912, as amended by subsequent Acts, as the "Trustees of Ku-ring-gai Chase".

Rights,
liabilities
and
property.

5. On and from the commencement of this Act the following provisions shall have effect :—

- (a) All property and all right and interest therein (in this section referred to as the trust property) and all management and control of any thing which immediately before such commencement was vested in or belonged to the former trustees and was held or used by them for or in connection with the Chase shall vest in and belong to the body corporate.
- (b) All moneys, liquidated and unliquidated claims which, immediately before such commencement, were payable to or recoverable by the former trustees or their predecessors in relation to the Chase or the trust property or any part thereof shall be moneys, liquidated or unliquidated claims payable to or recoverable by the body corporate.
- (c) All suits, actions and proceedings pending immediately before such commencement, at the suit of the former trustees in relation to the Chase or the trust property or any part thereof shall respectively be suits, actions and proceedings pending at the suit of the body corporate.
- (d) All contracts, agreements and undertakings entered into with and all securities lawfully given to or by the former trustees or their predecessors in relation to the Chase or the trust property or any part thereof and in force immediately before such commencement, shall be deemed to be contracts, agreements and undertakings entered into with and securities given to or by the body corporate.

(e)

- (e) The body corporate may pursue the same remedies **No. 43, 1961** for the recovery of any such moneys and claims and for the prosecution of such suits, actions and proceedings as the former trustees or their predecessors might have done had they continued to be trustees of the Chase after such commencement.
- (f) The body corporate may enforce and realise any security or charge existing immediately before such commencement, in favour of the former trustees in respect of any such moneys and claims as if such security or charge were existing in favour of the body corporate.
- (g) All debts due and moneys payable by, and all claims, liquidated or unliquidated, recoverable against the former trustees or their predecessors solely relating to the Chase or the trust property or any part thereof shall be debts due and moneys payable by and claims recoverable against the body corporate.
- (h) (i) Every person who immediately before such commencement was a servant of the former trustees in their capacity as trustees of the Chase shall upon such commencement become a servant of the body corporate.
- (ii) The period of service with the former trustees or their predecessors of any person who by virtue of this paragraph becomes a servant of the body corporate shall be deemed to be service with the body corporate for the purposes of annual leave, sick leave or long service leave.
- (iii) Where any condition of employment of any such person was before such commencement regulated by an award or industrial agreement, as defined in the Industrial Arbitration Act, 1940, as amended by subsequent Acts, the condition shall continue to be so regulated until an award, as so defined, regulating the condition and binding the body corporate is made by a competent tribunal or the condition is regulated by an industrial agreement, as so defined, to which the body corporate is a party.

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No. 43, 1961 **6.** The by-laws numbered one to twenty-six inclusive published in the Gazette number eleven of the twenty-third day of January, one thousand nine hundred and forty-two, relating to the Chase and purporting to be made under the Public Parks Act, 1912, shall be deemed to be by-laws made by the trustees of the Chase appointed pursuant to subsection two of section four of this Act and to be applicable to the Chase. Such by-laws may be amended, repealed or replaced by by-laws made by such trustees under the Public Parks Act, 1912, as amended by subsequent Acts.

Addition
of Crown
lands to
Ku-ring-
gai Chase.

7. (1) The Minister may by notification in the Gazette declare that any lands which at the time of such notification are Crown lands within the meaning of the Crown Lands Consolidation Act, 1913, as amended by subsequent Acts, and are within or adjoining or adjacent to the external boundaries of the Chase and are not held under lease, license or permissive occupancy, shall be added to the Chase.

(2) Upon such notification being published in the Gazette the lands to which such notification relates shall be so added, shall form part of the Chase, shall be subject to the like dedication and trusts as the Chase, the by-laws applicable to the Chase shall be applicable to such lands and the trustees of the Chase shall be deemed to be appointed trustees of the lands so added under the Public Parks Act, 1912, as amended by subsequent Acts.

SCHEDULE.

Sec. 2.

All that piece or parcel of land as to the surface thereof and to a depth of 50 feet below the surface containing 35,200 acres or thereabouts situate in the County of Cumberland, Parishes of Broken Bay, Cowan, Gordon, Narrabeen and South Colah being the area shown on plan catalogued Ms. 17710 Sy.R. at the Department of Lands, Sydney by green edge INCLUSIVE of the bed and to a depth of 50 feet below the bed of that part of Cowan Creek and its tributaries as shown by blue colour on such plan EXCLUSIVE of that part of Pacific Highway and other public roads within the external boundaries of the said 35,200 acres shown on such plan, Trigonometrical Reserves numbered 18970, 18976 and 21574, portions 15 and 71, Parish of Broken Bay and the easement appropriated and resumed for railway purposes in Gazette No. 137 of the 27th November, 1959 (folio 3664).

PARRAMATTA