

**HORNSBY WAR MEMORIAL COMMITTEE
(LAND SALE) ACT, 1980**

New South Wales



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ELIZABETHÆ II REGINÆ

An Act to enable the Trustees for the time being of the Hornsby War Memorial Committee to sell and transfer certain land at Hornsby in fee simple freed and discharged from all trusts estates or interests affecting such land; to vest the said land in the Hornsby R.S.L. Club Co-operative Limited; and for purposes connected therewith. [Assented to, 29th December, 1980.]

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Preamble. WHEREAS:

- (1) In or about the year 1942 at a public meeting at Hornsby, a committee of citizens was formed for the purpose of, and with a view to, *inter alia*, acquiring lands and erecting thereon suitable memorial club rooms for the Hornsby Sub-Branch of the Returned Sailors, Soldiers and Airmen's Imperial League of Australia (hereinafter referred to as the "League") and for purposes associated therewith:
- (2) Thereafter a Committee known as the Hornsby War Memorial Committee (hereinafter referred to as the "Committee") was constituted and adopted a constitution and rules setting forth the objects and powers of the Committee:
- (3) At a public meeting held at Hornsby on 28 September 1943, the Committee presented a report which recommended that:—
 - (i) The memorial take the form of club rooms, comprising reading rooms, hall and usual conveniences;
 - (ii) An effort be made to raise the sum of £3,000;
 - (iii) Members of the League and citizens be admitted to membership:
- (4) At the public meeting it was further resolved that the Committee investigate potential sites for such club rooms and report back to a public meeting:
- (5) On 6 May, 1947, pursuant to resolutions of further public meetings, a property known as No. 2 High Street, Hornsby, was purchased by the Committee to be used for the purposes aforesaid for a price of £3,100:
- (6) In about February, 1954, an unincorporated voluntary association styled the "Hornsby R.S.L. Club" was formed:
- (7) On 27 July, 1953, the Committee resolved to lease to the Hornsby R.S.L. Club the premises on No. 2 High Street, Hornsby, known as "The R.S.L. Hut" for a period of 5 years:
- (8) In about September, 1953, certain premises known as No. 4 High Street, Hornsby, were purchased by the Committee:

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- (9) On 6 June, 1955, the Committee resolved to erect a building for use by the Hornsby Sub-Branch of the League as a licensed club;
- (10) Pursuant to such resolution the unincorporated voluntary association known as the Hornsby R.S.L. Club obtained a certificate of registration under the Liquor Act, 1912, and a building was erected on land owned by the Committee and being Lot 2 in Deposited Plan 585721 Certificate of Title Volume 13163 Folio 163 for use and occupation by the club;
- (11) The funds for the erection of the building were provided by:—
 - (i) £1,000 donated to the Committee by the Council of the Shire of Hornsby;
 - (ii) Donations from women's auxiliary of the Hornsby Sub-Branch of the League totalling £95;
 - (iii) Loans to the Committee by members of the Hornsby Sub-Branch of the League totalling £7,000;
 - (iv) Overdraft accommodation to the extent of £7,000 provided by the Commonwealth Trading Bank of Australia to the Committee secured by a mortgage to the Bank over land owned by the Committee;
 - (v) Voluntary labour provided by members of the Hornsby Sub-Branch of the League and members of the Hornsby R.S.L. Club.
- (12) In November, 1956, the Hornsby R.S.L. Club commenced to operate a licensed club on the premises;
- (13) The Hornsby R.S.L. Club paid to the Committee a rental of £200 per week;
- (14) During the years 1961 and 1962, a war memorial hall was erected on Lot 1 in Deposited Plan 585721 Certificate of Title Volume 13163 Folio 163, funds for the erection of such building having been provided by the Hornsby R.S.L. Club by way of rental payments and by donations from the Club to the Committee;
- (15) From 1972 the Hornsby R.S.L. Club paid to the Committee the sum of \$3,000 per month by way of rental;

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- (16) In 1972, pursuant to the provisions of the Liquor (Amendment) Act, 1969, the Hornsby R.S.L. Club was registered pursuant to the provisions of the Co-operation Act, 1923, under the style and title of the Hornsby R.S.L. Club Co-operative Limited:
- (17) Between 1956 and 1976 substantial sums have been expended by the Club in the purchase of lands and extension of its premises:
- (18) The Club is desirous of expending further substantial sums of money in the renovation and extension of its premises:
- (19) In June, 1979, the Trustees of the Committee agreed to sell and the Hornsby R.S.L. Club Co-operative Limited agreed to purchase the land occupied by the Club, being Lot 2 in Deposited Plan 585721 Certificate of Title Volume 13163 Folio 163 with the improvements erected thereon, for the sum of \$230,000, such sum having been computed having regard to the substantial rentals and donations made by the Club to the Committee between 1956 and 1976 to enable the Committee to erect the war memorial hall:
- (20) The Trustees of the Committee have no power or authority to sell the land for the said sum, and it being expedient to authorise the Trustees of the Committee to sell the said land and improvements, and to transfer the same to the Hornsby R.S.L. Club Co-operative Limited for such consideration and in accordance with the terms and conditions of the contract entered into between them for an estate in fee simple freed and discharged from all trusts estates or interests affecting the same:

BE it therefore enacted by the Queen'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 and
citation.**

- 1. This Act may be cited as the "Hornsby War Memorial Committee (Land Sale) Act, 1980".

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2. The Trustees of the Hornsby War Memorial Committee for the time being are hereby authorised to sell and transfer and execute all conveyances and instruments required to effect such transfer to the Hornsby R.S.L. Club Co-operative Limited of the whole of the land described in the Schedule hereto, for the sum of \$230,000 for an estate in fee simple freed and discharged from all trusts estates or interests affecting the same.

3. Notwithstanding anything to the contrary contained or provided in or by the Stamp Duties Act, 1920, the stamp duty which shall be charged and payable in respect of any memorandum of transfer or other conveyance or instrument executed by the Trustees of the Hornsby War Memorial Committee pursuant to section 2 hereof shall be the sum of \$5,175 and no more.

4. The receipt of the Trustees for the time being of the Hornsby War Memorial Committee shall be sufficient discharge to the Hornsby R.S.L. Club Co-operative Limited for the purchase money of \$230,000.

5. The Registrar-General, upon the relevant transfer duly marked by the Commissioner of Stamp Duties as sufficiently stamped being lodged for registration, and subject to the payment of the prescribed fees, shall issue to the Hornsby R.S.L. Club Co-operative Limited a Certificate of Title to the land described in the Schedule hereto in fee simple in possession freed and discharged from all trusts obligations estates interests contracts charges and rates, but subject to any exceptions and reservations in any Crown Grant and to any easements restrictions covenants and public rights of way affecting the land.

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Sec. 2.**SCHEDULE**

All that piece or parcel of land situate at Hornsby in the Shire of Hornsby, Parish of South Colah and County of Cumberland, having an area of 1 845 square metres and being Lot 2 in Deposited Plan 585721 and being the whole of the land comprised in Certificate of Title Volume 13163, Folio 163.