

**LAND ACQUISITION (CHARITABLE
INSTITUTIONS) ACT.**

Act No. 55, 1946.

An Act to make provision for authorising the appropriation or resumption of land for charitable, benevolent and philanthropic purposes in certain cases; to amend the Public Works Act, 1912, as amended by subsequent Acts in certain respects; and for purposes connected therewith. [Assented to, 27th December, 1946.]

George VI.
No. 55, 1946.

Land Acquisition (Charitable Institutions) Act.

No. 55, 1946.

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 "Land Acquisition (Charitable Institutions) Act, 1946."

Definitions.

2. (1) In this Act unless the context or subject matter otherwise indicates or requires—

"Governing body" in relation to an institution means the committee of management or board of directors or other body in whom is vested the management, conduct or control of the institution.

"Institution" means any hospital, orphanage, school, kindergarten, day nursery, infant or child welfare centre or pre-natal or post-natal clinic, centre or home, and any institution or establishment of a charitable, benevolent or philanthropic character.

Without prejudice to the generality of the foregoing provisions of this definition the word "institution" includes a hospital as defined in the Public Hospitals Act, 1929, as amended by subsequent Acts, but does not include an incorporated hospital as defined in that Act as so amended.

(2) A reference in this Act to an institution shall be construed as including a reference to an institution proposed to be established.

Application of this Act.

3. (1) The provisions of this Act shall apply to and in respect of such institutions as the Governor may from time to time by notification published in the Gazette declare to be institutions for the purposes of this Act, and to and in respect of those institutions only.

(2) The Governor may by notification published in the Gazette rescind any notification referred to in subsection one of this section, and upon such rescission the provisions of this Act shall cease to apply to or in respect of the institution mentioned in the notification so rescinded.

4. (1) Land may be acquired for the purposes of an institution by appropriation or resumption in accordance with this section.

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or resumption
of land for
purposes of
an institution.

(2) Where the governing body of an institution desires that land shall be acquired for the purposes of the institution by appropriation or resumption it may apply to the Governor through the Minister.

(3) The governing body of the institution shall make provision to the satisfaction of the Governor for the payment of compensation for the land, together with interest and all necessary charges and expenses incidental to the appropriation or resumption.

(4) The Governor may authorise the appropriation or resumption of the land.

(5) Thereupon the Governor may appropriate or resume the land under Division 1 of Part V of the Public Works Act, 1912.

(6) Notwithstanding anything contained in the Public Works Act, 1912, or in any other Act, upon the publication in the Gazette of the notification referred to in section forty-two of the Public Works Act, 1912, the lands described or referred to in such notification shall forthwith be vested in His Majesty freed and discharged from all trusts, obligations, estates, interests, contracts, charges, rates, rights of way or other easement whatsoever and shall be deemed to be Crown lands within the meaning of the Crown Lands Consolidation Act, 1913, reserved from sale or lease generally.

(7) A Crown grant of the land may be issued to the applicant or to the nominee of the applicant, and such grant may be issued subject to such trusts, conditions, covenants, provisions, exceptions and reservations as the Governor may deem expedient.

(8) For the purposes of the Public Works Act, 1912, an appropriation or resumption under this section shall be deemed to be for the purpose of carrying out an authorised work within the meaning of that Act, and the Minister for Public Works shall be deemed to be the constructing authority.

(9) In this section "land" means land in fee simple whether vacant or built upon, or any easement, right or privilege in, over or affecting land.

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(10) Notwithstanding anything contained in this section, where the Governor has authorised the appropriation or resumption of land under this section, a copy of such authorisation shall be laid before both Houses of Parliament.

If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after the copy of the authorisation has been laid before such House disallowing the authorisation, the authorisation shall be deemed to be cancelled and shall cease to have effect.

Amendment
of Act No.
45, 1912.

Sec. 40.
(Sites for
public
offices.)

Sec. 126.
(Interest on
compensa-
tion.)

5. The Public Works Act, 1912, as amended by subsequent Acts, is amended—

- (a) by inserting in paragraph (c) of subsection one of section forty after the words “school sites” the words “or for sites for public offices or public buildings”;
- (b) by omitting from subsection two of section one hundred and twenty-six the words “it shall bear interest at the rate of four per cent. per annum from the time of such notification” and by inserting in lieu thereof the words “it shall, for the period of twelve months next following the time of the notification, bear interest at the rate of four per centum per annum, and thereafter shall bear interest at the rate payable by a bank on a fixed deposit with the bank for a period of twelve months of a sum equivalent to the amount of such compensation:

Provided that where at any time or from time to time after the expiration of the said period of twelve months and before the compensation is paid, the rate of interest payable by a bank on a fixed deposit as aforesaid is altered, the compensation shall as from the date of the alteration bear interest at that altered rate.”