

SEAT OF GOVERNMENT SURRENDER (AMENDMENT) ACT.

Act No. 31, 1923.

George V, **An** Act to amend the Seat of Government Surrender Act, 1909, and for that purpose to ratify and confirm an agreement between the Commonwealth of Australia and the State of New South Wales; and for other purposes. [Assented to, 18th December, 1923.]
No. 31.

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 "Seat of Government Surrender (Amendment) Act, 1923," and shall be construed with the Seat of Government Surrender Act, 1909.

Act to bind Crown.

2. This Act shall bind the Crown.

Commencement of Act.

3. This Act shall come into force on a date to be fixed by proclamation of the Governor.

Ratification of agreement.

4. The agreement made between the Commonwealth of Australia and the State of New South Wales and set out in the Schedule to this Act is hereby ratified and confirmed.

Amendment of Seat of Government Surrender Act, 1909.

5. The Seat of Government Surrender Act, 1909, is amended as follows:—

(a) The descriptions in clause five of the First Schedule to that Act are deleted, and the descriptions in the Schedule to the agreement ratified by this Act are substituted therefor.

(b) The Third Schedule to the said Act is repealed, and the Schedule to the agreement ratified by this Act is substituted therefor.

SCHEDULE.

SCHEDULE.

AGREEMENT made the second day of September, one thousand nine hundred and twenty, between the Commonwealth of Australia (hereinafter called the "Commonwealth") of the one part and the State of New South Wales (hereinafter called the "State") of the other part :

WHEREAS by an agreement dated the eighteenth day of October, one thousand nine hundred and nine, made between the parties hereto it was agreed (inter alia) that certain lands described in clause 5 thereof should be granted by the State to the Commonwealth so far as the same were not already vested in the Commonwealth without payment therefor, and it was agreed that the said agreement now in recital should not in any way be binding unless and until it was approved by the Parliaments of the Commonwealth and of the State. And whereas the Act of the Commonwealth No. 23 of 1909 intituled the Seat of Government Acceptance Act, 1909, and the Act of the State No. 14 of 1909 intituled the Seat of Government Surrender Act, 1909, respectively ratified and confirmed the said agreement. And whereas by proclamation under the hand of His Excellency the Right Honorable Frederic John Napier Baron Chelmsford, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor of the State and its Dependencies in the Commonwealth of Australia, and published in the Government Gazette of the State of the fifteenth day of December, one thousand nine hundred and nine, it was proclaimed that the said seat of Government Surrender Act, 1909, should come into force on and from Wednesday the fifteenth day of December, one thousand nine hundred and nine. And whereas by proclamation under the hand of His Excellency the Right Honorable Frederic John Napier Baron Chelmsford, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Administrator of the Government of the Commonwealth of Australia and published in the Commonwealth of Australia Gazette of the twentieth day of January one thousand nine hundred and ten, Saturday, the twenty-second day of January, one thousand nine hundred and ten, was fixed as the day upon which the Seat of Government Acceptance Act, 1909, should commence. And whereas certain errors and misdescriptions have been found in the descriptions of the lands described in clause 5 aforesaid : Now it is hereby agreed as follows :—

1. Clause 5 of the said agreement of the eighteenth day of October, one thousand nine hundred and nine, shall be deleted, and the following clause substituted therefor :—

The State shall grant to the Commonwealth (so far as the same are not already vested in the Commonwealth) without payment therefor areas of land at Sussex Haven and at and near Jervis Bay described in the Schedule hereto.

2. The legislation to be passed by the State shall repeal the Third Schedule of the Act of the State No. 14 of 1909 above mentioned, and the Schedule hereto shall be substituted therefor.

3.

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3. Nothing in this agreement shall be taken to derogate from the surrender of territory effected by the agreement between the parties hereto dated the twenty-third day of September, one thousand nine hundred and thirteen, as ratified and confirmed by the Seat of Government Surrender Act, 1915, No. 9, of the State and the Jervis Bay Territory Acceptance Act, 1915, No. 19, of the Commonwealth.

4. This agreement shall not in any way be binding unless and until it is approved by the Parliaments of the Commonwealth and of the State and legislation is passed by such Parliaments respectively ratifying and confirming it.

THE SCHEDULE.

EASTERN Division, Land District of Nowra, county of St. Vincent, parish of Bherwerre, area about 2 square miles : Commencing on the high-water mark of Jervis Bay at the south-western corner of portion 30 of 40 acres, and bounded thence on the east by a line bearing south 80 chains, on the south by a line bearing west 197 chains, on the west by a line bearing north to the aforesaid high-water mark, and on all other sides by that high-water mark bearing generally easterly, to the point of commencement.

Eastern Division, Land District of Nowra, county of St. Vincent, parish of Bherwerre, containing an area of 132 acres. The Crown lands within Bowen Island, situated in the South Pacific Ocean at the mouth of Jervis Bay northerly of Governor Head. Shown on plan catalogued Ms. 1276 Sy. in the Department of Lands, Sydney.

Eastern Division, Land District of Nowra, county of St. Vincent, parish of Bherwerre, area 412 acres. The Crown lands within the following boundaries : Commencing on the high-water mark of Jervis Bay, at the north-eastern corner of portion 21 of 40 acres ; and bounded thence on the west by the eastern boundary of that portion bearing south 0 degrees 31 minutes west 10 chains 45 links ; on the north by part of the southern boundary of that portion bearing north 89 degrees 21 minutes west 13 chains 74 links, again on the west by a road 1 chain wide dividing it from portion 20 of 40 acres bearing south 0 degrees 36 minutes west 21 chains 26 links, again on the north by that road dividing it from portion 20 bearing north 89 degrees 15 minutes west 5 chains 60 links, again on the west by that road dividing it from portion 30 of 40 acres bearing south 0 degrees 42 minutes west 20 chains 6 links ; thence by a line south 13 chains 92 links, on the south-west by a line bearing south 69 degrees 12 minutes east 18 chains 25 links, again on the west by a line, a road 1 chain wide dividing it from portion 31 of 2 acres, and another line, in all bearing south 0 degrees 25 minutes west 9 chains 97 links, again on the south-west by a line and a road 1 chain wide dividing it from portion 33 of 10 acres, in all bearing south 20 degrees east 29 chains 13 links, on the south by a line bearing east 21 chains 28 links to the high water mark of the South Pacific Ocean ; and thence by that high-water mark and the high-water mark of Jervis Bay aforesaid bearing generally northerly and westerly, to the point of commencement. Shown on plan catalogued Ms. 1392 Sy. in the Department of Lands, Sydney.

Eastern

Eastern Division, Land District of Milton, county of St. Vincent, parish of Farnham, area 103 acres. The Crown lands within the following boundaries: Commencing on the high-water mark of the South Pacific Ocean, at a point south 21 chains 38 links from a point west 10 chains from Farnham Trigonometrical Station, and bounded thence on the west by a line north 30 chains 55 links, on the north by a line east 28 chains 7 links to the high-water mark of Sussex Haven; thence by the high-water mark of Sussex Haven and the South Pacific Ocean generally southerly and westerly, to the point of commencement. Shown on plan catalogued Ms. 1399 Sy. in the Department of Lands, Sydney. **George V,
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Eastern Division, Land District of Nowra, county of St. Vincent, parish of Beecroft, area 1,650 acres. The Crown lands within the following boundaries: Commencing at a point at a wharf on the high-water mark of Jervis Bay, being the intersection of that high-water mark with the production north-westerly of a south-western side of the surveyed road, shown on plan catalogued Ms. 1395 Sy. in the Department of Lands, Sydney, to Point Perpendicular Lighthouse; thence by that production and that south-western side of that surveyed road bearing 152 degrees 53 minutes 316 links; thence by western, south-western, and southern sides of that road, being lines bearing 173 degrees 43 minutes 418.2 links, 190 degrees 55 minutes 360.9 links, 183 degrees 49 minutes 2,005.7 links, 124 degrees 30 minutes 754.6 links, 113 degrees 5 minutes 1,201 links, 118 degrees 30 minutes 979.7 links, and 86 degrees 15 minutes 373.5 links, thence by lines bearing 179 degrees 4 minutes 5,360.5 links, 128 degrees 39 minutes 9,114.7 links, and 100 degrees 6 minutes 5,150.6 links to a post which bears 280 degrees 6 minutes, and is distant 359.8 links from a post marked \uparrow over A over 98, and shown on plan Ms. 1395 Sy. aforesaid, and thence by lines bearing 49 degrees 39 minutes 10,029.6 links, 20 degrees 17 minutes 8,789.3 links, 326 degrees 30 minutes 6,502.5 links, and 89 degrees 30 minutes 2,810 links, to a point on the high-water mark of the South Pacific Ocean bearing 279 degrees 30 minutes from the northern extremity of the Drum and Drumsticks Islands; thence generally southerly, easterly, southerly, and south-westerly by part of that high-water mark to its intersection at Point Perpendicular with the eastern boundary of portion 5 of 10 acres, parish of Beecroft; thence northerly, westerly, and southerly by the eastern, northern, and western boundaries respectively of that portion to a point on the high-water mark of Jervis Bay, and thence generally northerly, north-westerly, southerly, westerly, and northerly by part of that high-water mark to the commencing point. Shown on plan catalogued Ms. 5228 Sy. in the Department of Lands, Sydney.

The bearings quoted in this last description are according to the true meridian.