

SYDNEY RESCUE WORK SOCIETY ACT.

New South Wales



ANNO VICESIMO TERTIO

ELIZABETHÆ II REGINÆ

Act No. 56, 1974.

An Act to transfer to the incorporated Sydney Rescue Work Society the assets and liabilities of the unincorporated association of that name; to dissolve that association; and for purposes connected therewith. [Assented to, 27th September, 1974.]

BE it 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. **1.** This Act may be cited as the "Sydney Rescue Work Society Act, 1974".

2.

Sydney Rescue Work Society.

2. This Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

No. 56, 1974
Commence-
ment.

3. In this Act, except in so far as the context or subject-matter otherwise indicates or requires—

Interpre-
tation.

“association” means the unincorporated association formed in Sydney on 29th February, 1890, and known as the “Sydney Rescue Work Society”;

“corporation” means the company registered on 28th July, 1948, under the Companies Act, 1936, with the corporate name of “Sydney Rescue Work Society”;

“property” includes real and personal property and any estate or interest of any description or tenure in any real or personal property and any debt or thing in action.

4. The association is hereby dissolved.

Dissolution
of unincor-
porated
association.

5. (1) Subject to this Act, any property that immediately before the commencement of this Act, was vested in the association or in any person in trust for, or on behalf of, the association is hereby divested from the association or that person, as the case may be, and is hereby vested in the corporation freed and discharged from any trusts (other than trusts referred to in subsection (2)) affecting it immediately before that commencement.

Vesting of
certain
property
in corpor-
ation.

(2) The vesting effected by subsection (1) does not prejudice or affect—

(a) any special trust;

(b) any resulting trust;

(c)

No. 56, 1974

- (c) any trust in favour of a donor;
- (d) any trust in favour of a person other than an association or a company; or
- (e) any reservation, mortgage, charge, encumbrance, lien or lease,

that, immediately before the commencement of this Act, affected the property vested.

(3) An attornment to the corporation by any lessee of property vested in it by this section is not necessary.

Construc-
tion of
certain
instru-
ments.

6. (1) To the extent to which, by a deed, will or other instrument that takes effect on or after the commencement of this Act, any property—

- (a) is devised, bequeathed, given, granted, released, conveyed or appointed to the association or to a person (not being the corporation) for, or for the benefit of, or in trust for, the association or the work of the association or is declared or directed to be held by any person (not being the corporation) for or for the benefit of, or in trust for, the association or the work of the association;
- (b) is recoverable by the association or by any person (not being the corporation) for the association; or
- (c) is payable to, or receivable by the association or by any person (not being the corporation) on behalf of the association, or for the work of the association,

the deed, will or other instrument shall be construed and take effect as if the reference therein to the association or person, as the case may be, were a reference to the corporation.

(2)

Sydney Rescue Work Society.

(2) A receipt or acknowledgment for any property No. 56, 1974 that vests in the corporation pursuant to this section exonerates the person or persons liable to pay, deliver or transfer the property to the corporation for the loss, misapplication or non-application thereof, if the receipt or acknowledgment—

- (a) is executed under the common seal of the corporation;
- (b) is in writing signed by two persons purporting to be directors of the corporation; or
- (c) is in writing signed by a person or persons purporting to be duly authorised for the purpose by the directors of the corporation or by any two of them.

7. At the commencement of this Act—

- (a) any moneys and liquidated or unliquidated claims that, immediately before that commencement, were payable to or recoverable by the association or by any person on behalf of the association become moneys payable to, or claims recoverable by, the corporation;
- (b) any debts due and moneys payable by, and any claims, liquidated or unliquidated, recoverable against, the association, or any person on behalf of the association (being debts, moneys and claims due, payable or recoverable immediately before that commencement) become debts due and moneys payable by, and claims recoverable against, the corporation;
- (c) any proceedings that, immediately before that commencement, were pending at the suit or on the application of the association or any person on behalf of the association become proceedings pending at the suit or on the application of the corporation;

Transfer to
corporation
of certain
assets and
liabilities.

(d)

Sydney Rescue Work Society.

No. 56, 1974

- (d) any contract, agreement or undertaking entered into with, and any security given to or by any person on behalf of, the association and in force immediately before that commencement becomes a contract, agreement or undertaking entered into with, and a security given to or by, the corporation; and
- (e) the corporation may enforce and realise any security or charge in favour of the association, or any person on behalf of the association, as if it were a security or charge in favour of the corporation.

Corporation
may act as
executor,
etc.

8. (1) The corporation may, if it is otherwise competent so to do—

- (a) apply for and obtain, or join in applying for and obtaining, probate of the will, or letters of administration of the estate, of a deceased person where the corporation has a beneficial interest, vested or contingent, in the estate of that person; or
- (b) accept appointment, and act as trustee or co-trustee under and in pursuance of any trust where the trust property is not vested in the corporation by, or pursuant to, this Act, and the trust was created wholly or partly for the benefit of the corporation,

and may do all things necessary for the exercise or performance of its powers, authorities, duties or functions as executor, administrator or trustee, as the case may be.

(2) On behalf of the corporation, a member of or a person employed by the corporation for the purpose may swear an affidavit, make a declaration or statement, give security and do any other act or thing that is, by any Act, rule or regulation, required to be done by a person applying for or granted probate or letters of administration, or administering a trust, as the case may be.

(3)

Sydney Rescue Work Society.

(3) Where the corporation is appointed executor or administrator, it shall be subject to the same control and to removal or restraint from acting and generally to the jurisdiction of the Courts in the same manner as any other executor or administrator and, subject to the Trustee Act, 1925, all property of the corporation is liable for the proper discharge of the duties of its office as executor or administrator. No. 56, 1974

(4) The corporation may—

- (a) renounce executorship;
- (b) decline to act as administrator of an estate;
- (c) retire, or decline to act as trustee of property (not being property vested in it by or pursuant to this Act).

(5) Any commission or other remuneration earned by the corporation as an executor, administrator or trustee appointed under the authority of this section, belongs to the corporation and shall be used and applied by the corporation for or towards any object or purpose of the corporation.

9. Where the corporation gives a certificate under its common seal to the effect that the estate or interest of specified persons in land described in the certificate is an estate or interest vested in the corporation by section 5, the certificate is— Evidence.

- (a) for any purpose connected with the title to the land described in Part I of the Schedule; or
- (b) for the purposes of an application under section 46c of the Real Property Act, 1900, to vest in the corporation any land described in Part II of the Schedule,

conclusive evidence of the matter certified.

SCHEDULE.

Sydney Rescue Work Society.

No. 56, 1974

SCHEDULE.

PART I.

Land under Old System Title.

Sec. 9.

1. ALL THAT piece or parcel of land being Allotment sixteen and part of Allotment thirteen of Section nine of the Fosterville Estate situate in the City of Sydney Parish of Alexandria and County of Cumberland and State of New South Wales commencing at the intersection of Macquarie now Commonwealth Street and Gipps Street now Reservoir Street and bounded thence on the East by Commonwealth Street bearing North seven degrees fifteen minutes West fifty feet to the Northern part of Allotment thirteen on the North by part of Allotment thirteen aforesaid bearing West seven degrees fifteen minutes South eighty feet to a lane on the West by that lane ten feet wide bearing South seven degrees fifteen minutes East fifty feet to Reservoir (Gipps) Street and on the South by that Street bearing East seven degrees fifteen minutes North eighty feet to the point of commencement, excepting thereout ALL THAT triangular piece or parcel of land being part of Allotment sixteen of Section nine of the Fosterville Estate situate in the City of Sydney Parish of Alexandria and County of Cumberland COMMENCING at a point being the intersection of the Northern building line of Reservoir Street with the Eastern building line of Beauchamp Lane bounded thence on the West by the aforesaid Eastern building line of Beauchamp Lane being a line bearing Northerly 0 degrees 13 minutes 8 feet thence on the North East by a line bearing South Easterly 135 degrees 4 minutes 30 seconds 11 feet 3½ inches to the Northern building line of Reservoir Street aforesaid thence by that building line being a line bearing Westerly 269 degrees 56 minutes 8 feet to the point of commencement and containing by admeasurement 32 square feet to the said several dimensions all a little more or less being the land in Conveyance Book 2067 No. 629 in favour of the Municipal Council of Sydney.

2. ALL THAT piece or parcel of land situate lying and being in the Parish of Alexandria in the County of Cumberland State of New South Wales be the hereinafter mentioned several dimensions a little more or less being part of Lots twelve and thirteen in Section nine of the Fosterville Estate near Surry Hills part of Mary and J. S. Smith's portions commencing at a point on the West side of Macquarie Street now Commonwealth Street fifty feet Northerly from Gipps Street now Reservoir Street and bounded on the East by Commonwealth Street bearing Northerly fifty seven feet on the North by D. Feather's part of Lot twelve bearing Westerly eighty feet on the East by a lane bearing Southerly fifty seven feet and on the South by Michael Healy's other part of Lot thirteen bearing Easterly eighty feet to the point of commencement.

SCHEDULE

*Sydney Rescue Work Society.***SCHEDULE—continued.****No. 56, 1974****Part I—continued.**

3. ALL THAT piece or parcel of land part of Fosterville Estate in the City of Sydney Parish of Alexandria and State of New South Wales part of Allotment twelve of Section nine of the said Estate commencing on the West side of Macquarie Street, now Commonwealth Street at the South East corner of Allotment nine of Section nine and bounded thence on the East by that street bearing South seven degrees fifteen minutes East fourteen feet to a line on the South by that line dividing it from M. Healey's portion of allotment twelve bearing West seven degrees fifteen minutes South eighty feet to a lane on the West by that lane ten feet wide bearing North seven degrees fifteen minutes West fourteen feet to allotment nine aforesaid and on the West by that allotment bearing East seven degrees fifteen minutes North eighty feet to the point of commencement.

4. ALL THAT piece or parcel of land situated at West Kingston in the Parish of Petersham County of Cumberland and State of New South Wales being the hereinafter mentioned several dimensions a little more or less being Lot nine of Section B of the West Kingston Estate known as Brigg's Paddock and forming part of T Rowley's two hundred and forty acres Grant commencing at a point on the North side of Stanley Street being the South West corner of Lot 8 of Section B of the West Kingston Estate and bounded thence towards the South by part of the North side of Stanley Street aforesaid being a line bearing West twenty feet thence towards the West by the East boundary of Lot 10 being a line bearing North one hundred and five feet four inches to a point on the South side of a lane twenty feet wide thence towards the North by part of the South side of that lane being a line bearing East twenty feet and thence towards the East by the West boundary of Lot 8 Section B aforesaid being a line bearing South one hundred and five feet four inches to the point of commencement.

ALL THAT piece or parcel of land situated at West Kingston in the Parish of Petersham County of Cumberland and State of New South Wales be the hereinafter mentioned several dimensions a little more or less being Lot 10 of Section B of the West Kingston Estate known as Brigg's Paddock and forming part of T Rowley's two hundred and forty acres Grant commencing at a point on the North side of Stanley Street being the South West corner of Lot 9 of Section B of the West Kingston Estate and bounded thence towards the South by part of the North side of Stanley Street aforesaid being a line bearing West twenty feet thence towards the West by the East boundary of Lot 11 being a line bearing North one hundred and five feet four inches to a point on the South side of a lane twenty feet wide thence

SCHEDULE

Part I—*continued.*

towards the North by part of the South side of that lane being a line bearing East twenty feet and thence towards the East by the West boundary of lot 9 Section B aforesaid being a line bearing South one hundred and five feet four inches to the point of commencement.

5. ALL THAT piece or parcel of land situated at West Kingston in the Parish of Petersham County of Cumberland and State of New South Wales be the hereinafter mentioned several dimensions a little more or less being Lots fortyone and fortytwo of Section A of the West Kingston Estate known as Brigg's Paddock and forming part of T Rowley's two hundred and forty acres grant commencing at a point on the South side of Stanley Street being the North East corner of Lot forty Section A of the West Kingston Estate and bounded thence towards the North by part of the South side of Stanley Street aforesaid being a line bearing East fiftythree feet six inches to its intersection with a Western side of a lane twenty feet wide thence towards the East by part of the Western side of that lane being lines bearing successively South four degrees eleven minutes West eighty nine feet three inches and South two degrees forty minutes West nineteen feet one inch to the intersection of the North side of another lane twenty feet wide thence towards the South by part of the North side of the last mentioned lane being a line bearing West forty six feet two inches and thence towards the West by the Eastern boundary of Lot forty of Section A aforesaid being a line bearing North one hundred and eight feet to the point of commencement.

6. ALL THAT piece or parcel of land situated at West Kingston in the Parish of Petersham County of Cumberland and State of New South Wales be the hereinafter mentioned several dimensions a little more or less being Lots four five and six of Section B of the West Kingston Estate known as Brigg's Paddock and forming part of T Rowley's two hundred and forty acres Grant commencing at a point on the North side of Stanley Street being the South West corner of Lot three of Section B of the West Kingston Estate and bounded thence towards the South by part of the North side of Stanley Street aforesaid being a line bearing West sixty feet thence towards the West by the East boundary of Lot seven being a line bearing North one hundred and five feet four inches to a point on the South side of a lane twenty feet wide thence towards the North by a part of the South side of that lane being a line bearing East sixty feet and thence towards the East by the West boundary of Lot three of Section B aforesaid being a line bearing South one hundred and five feet four inches to the point of commencement.

*Sydney Rescue Work Society.*SCHEDULE—*continued.*

No. 56, 1974

Part I—*continued.*

7. ALL THAT piece or parcel of land situated at West Kingston in the Parish of Petersham County of Cumberland and State of New South Wales be the hereinafter mentioned several dimensions a little more or less and forming part of Thomas Rowley's two hundred and forty acres Grant commencing at the South Western corner of Lot one hundred and seventy three Section three North Kingston Estate and bounded thence on the East by the Western boundaries of Lots one hundred and seventy three and one hundred and seventy two and part of the Western boundary of Lot one hundred and seventy one of Section three North Kingston Estate aforesaid being a line bearing Northerly seventy one feet thence towards the North by a line one foot to the Eastern side of a lane twenty feet wide as laid out in the first subdivision of the West Kingston Estate thence towards the West by part of the Eastern side of that lane being a line parallel to and distant one foot from the herein first described boundary and bearing Southerly seventy one feet and thence towards the South by a line bearing Easterly one foot to the point of commencement.

8. ALL THAT piece or parcel of land situated at West Kingston in the Parish of Petersham County of Cumberland and State of New South Wales be the hereinafter mentioned several dimensions a little more or less being Lot seven of Section B of the West Kingston Estate known as Brigg's Paddock and forming part of T Rowley's two hundred and forty acres Grant commencing at a point on the North side of Stanley Street being the South West corner of lot six of Section B of the West Kingston Estate and bounded thence towards the South by part of the Northern side of Stanley Street aforesaid being a line bearing West twenty feet thence towards the West by the East boundary of Lot Eight being a line bearing North one hundred and five feet four inches to a point on the South side of a lane twenty feet wide thence towards the North by part of the South side of that lane being a line bearing East twenty feet and thence towards the East by the West boundary of Lot Six of section B aforesaid being a line bearing South one hundred and five feet four inches to the point of commencement.

ALL THAT piece or parcel of land situated at West Kingston in the Parish of Petersham County of Cumberland and State of New South Wales be the hereinafter several dimensions a little more or less being Lot eight of Section B of the West Kingston Estate known as Brigg's Paddock and forming part of T Rowley's two hundred and forty acres Grant commencing at a point on the North side of Stanley Street being the South West corner of Lot seven of Section B of the West Kingston Estate and bounded thence towards the South by part of the North side of Stanley Street aforesaid being a

SCHEDULE

Sydney Rescue Work Society.

No. 56, 1974

SCHEDULE—continued.

Part I—continued.

line bearing West twenty feet thence towards the West by the East boundary of Lot nine being a line bearing North one hundred and five feet four inches to a point on the South side of a lane twenty feet wide thence towards the North by part of the South side of that lane being a line bearing East twenty feet and thence towards the East by the West boundary of Lot seven of section B aforesaid being a line bearing South one hundred and five feet four inches to the point of commencement.

PART II.

Land under the Real Property Act, 1900.

1. Lots 39 and 40 and part of Lot 38, Section A, West Kingston Estate, being the whole of the land comprised in Certificate of Title registered Volume 4482 Folio 99.
2. Part of Lot 171 and Lots 172 and 173, Section 3, North Kingston Estate, being the whole of the land comprised in Certificate of Title registered Volume 1152 Folio 105.
3. Lots 1, 2 and 3 of Section 4 in Deposited Plan 1677, being the whole of the land comprised in Certificate of Title registered Volume 910 Folio 204.
4. Lot 4 of Section 4 in Deposited Plan 1677, being the whole of the land comprised in Certificate of Title registered Volume 924 Folio 227.
5. Portion 560, Parish of Petersham, County of Cumberland being the whole of the land comprised in Crown Grant registered Volume 10488 Folio 28.
6. Lot 29, in Deposited Plan 28407, Shire of Hornsby, Parish of Field of Mars, County of Cumberland being the whole of the land comprised in Certificate of Title registered Volume 7560 Folio 51.

MOTOR