

Seat of Government Surrender Act 1915 No 9

[1915-9]



New South Wales

Status Information

Currency of version

Current version for 20 February 1915 to date (accessed 14 May 2024 at 14:23)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Responsible Minister

- Premier

For full details of Ministerial responsibilities, see the [Administrative Arrangements \(Minns Ministry—Administration of Acts\) Order 2023](#).

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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Contents

Long title	3
Preamble	3
1 Name of Act	3
2 Act to bind Crown	3
3 Commencement of Act	3
4 Definitions	3
5 Ratification of agreement	4
6 Surrender of territory	4
7 Grant of Crown lands in territory	4
Schedule	4

Seat of Government Surrender Act 1915 No 9



New South Wales

An Act to provide for the surrender of territory to the Commonwealth, and to ratify and confirm an agreement for that and other purposes.

Preamble

WHEREAS the Commonwealth and the State of New South Wales have entered into an agreement, set out in the Schedule to this Act, for the surrender to and acceptance by the Commonwealth of the territory, now being part of the said State, described in the said agreement: And whereas it is desirable to approve and ratify, and to provide for carrying out the said agreement, and on the terms and conditions thereof to surrender the said territory to the Commonwealth:

Be it therefore 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:

1 Name of Act

This Act may be cited as the *Seat of Government Surrender Act 1915*.

2 Act to bind Crown

This Act shall bind the Crown.

3 Commencement of Act

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

4 Definitions

In this Act:

The agreement means the agreement made between the Commonwealth and the State of New South Wales, and set out in the Schedule hereto.

The Commonwealth means the Commonwealth of Australia.

5 Ratification of agreement

The agreement is hereby ratified and confirmed.

6 Surrender of territory

The territory described in the agreement is hereby surrendered to the Commonwealth in accordance with the agreement.

7 Grant of Crown lands in territory

The Crown lands within such territory are hereby granted to the Commonwealth without any payment therefor.

Schedule

AGREEMENT made the twenty-third day of September, one thousand nine hundred and thirteen, 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: Witnesseth that, subject as hereinafter mentioned to the approval of the Parliaments of the Commonwealth and of the State, it is hereby agreed as follows:—

1.

The State shall surrender to the Commonwealth, and the Commonwealth shall accept, the territory (hereinafter called the Territory), now being part of the State, described hereunder, namely:—All that piece and parcel of land and water situate at Jervis Bay, in the parish of Bherwerre, county of St. Vincent, State of New South Wales, Commonwealth of Australia, area about 18,000 acres: Commencing at a point on the high-water mark on the left bank of Sussex Inlet at its intersection with the western boundary of portion 12 of 40 acres; and bounded thence westerly and north-westerly by that high-water mark to the high-water mark of St. George's Basin; thence in a general easterly and north-easterly direction by that high-water mark to its intersection with the production westerly of the southern boundary of portion 18; thence easterly by a straight line formed by the western production of the southern boundary of portion 18, the boundary itself, and its production easterly to the high-water mark of Jervis Bay; thence by a line across the southern part of Jervis Bay bearing north-easterly to a point in the high-water mark of Jervis Bay at the northernmost extremity of Bowen Island; thence by the high-water mark of Jervis Bay and of the South Pacific Ocean along the eastern boundary of Bowen Island to the southernmost point thereof; thence by a line bearing south-westerly across the passage between Bowen Island and Governor Head to the high-water mark of the South Pacific Ocean on the foreshore of the mainland at the northernmost point of Governor Head; and thence by that high-water mark in a general southerly and south-westerly direction to St. George's Head; thence in a general northerly, westerly, and south-westerly direction by the high-water mark of Wreck Bay to the high-water mark on the left bank of Sussex Inlet before mentioned; and thence in a general northerly direction by that high-water mark to the commencing point.

2.

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 enabling the Commonwealth and the

State to effect the surrender and acceptance of the Territory.

3.

The Commonwealth shall account to the State for any purchase money received by the Commonwealth in respect of any grant of an estate in fee simple in the Territory—

- (a) made by the State before the date of the surrender; or
- (b) contracted before that date to be so made, either unconditionally or upon conditions which (except as to the payment of purchase money) have been wholly fulfilled at that date.

4.

The State shall make no claim for payment in respect of—

- (a) the value of the waste lands of the Crown in the Territory; or
- (b) the rents and profits, after the date of the surrender, of any land in the Territory held from the Crown under any estate less than an estate in fee simple; or
- (c) the value of the right, title, estate, or interest of the Crown in reversion or expectancy upon the termination of any such estate as mentioned in the last preceding paragraph; or
- (d) the purchase money for the grant by the State of any conditional estate in any land in the Territory, in respect of which at the date of the surrender there remains unfulfilled any condition precedent (other than the payment of purchase money) to the grant of an estate in fee simple.