

# Darling Harbour Wharves Resumption Act 1900 No 10

[1900-10]



New South Wales

## Status Information

### Currency of version

Repealed version for 4 September 1900 to 7 July 2011 (accessed 22 November 2024 at 23:20)

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.

### Notes—

- **Repeal**

The Act was repealed by Sch 4 to the [Statute Law \(Miscellaneous Provisions\) Act 2011 No 27](#) with effect from 8.7.2011.

### 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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# Darling Harbour Wharves Resumption Act 1900 No 10



New South Wales

An Act to validate certain notifications of appropriation and resumption in connection with a system of public wharves and approaches thereto; to provide for other appropriations and resumptions and purchases for the extension of such system; to provide for the compensation for resumptions and purchases made or to be made for those purposes, and for the raising of loans for such resumptions and purchases and in respect of certain public works and services; to authorise and sanction the commencing and constructing of certain public works; to fix the interest payable under the *Lands for Public Purposes Acquisition Act*; to amend the *Public Works Act of 1888*; and to validate certain proclamations of quarantine stations, and certain acts done within such stations.

## Preliminary

### 1 Name of Act

This Act may be cited as the *Darling Harbour Wharves Resumption Act 1900*.

## Validation of resumptions and authorisation of new resumptions

### 2 Validation of notification appropriating and resuming land for public wharves

Any notification made or published before the commencement of this Act, and made in pursuance of the *Lands for Public Purposes Acquisition Act*, or purporting to have been so made, and declaring that any land has been appropriated or resumed for the purpose of carrying out a system of public wharves and approaches thereto at Darling Harbour, and the waters at Port Jackson adjacent thereto shall, notwithstanding the non-performance of any conditions precedent to the making or publication of such notification prescribed in that Act, be deemed to have been and to be a good and valid notification under the said Act that such lands have been so appropriated and resumed, and shall be deemed to have had and to have effect from the day of the publication thereof in the Gazette; and the provisions of the said Act and of any Act amending the same shall, subject to this Act, apply to any such notification and any appropriation or resumption thereunder:

Provided that the period of ninety days for the serving of the notice of claim and abstract of title mentioned in section twelve of the said Act shall, except where such notice and

abstract have been served before the commencement of this Act, begin to run from the said commencement:

Provided also that the amount of compensation in respect of any land so resumed shall be estimated without reference to any alteration in the value of such land arising from any proclamation declaring any place comprising such land to be a station for the performance of quarantine within the meaning of the *Quarantine Act 1897*, or arising from any things done in pursuance of any such proclamation.

### **3 Appropriation and resumption of land for extension of wharves and approaches**

For the purpose of the extension of the system of public wharves and approaches thereto referred to in the last preceding section, the Governor may, within two years from the date of the passing of this Act, notwithstanding the non-performance of any conditions precedent prescribed in the *Lands for Public Purposes Acquisition Act*, purchase or notify and declare the appropriation and resumption of any lands mentioned in Schedules One, Two, Three, and Four: Provided that the powers of this section shall not be exercised in respect of any lands within Schedule One without the approval of Parliament as expressed by resolution; and any purchase or notification so made shall be as valid as if such conditions had been performed.

### **4 Mode of estimating compensation**

The amount of compensation in respect of any land resumed, as mentioned in sections two and three of this Act, shall be estimated without reference to any alteration in the value of such land arising from any purchase or any appropriation or resumption for any purpose mentioned in this Act or the establishing of any public works on any land the subject of any such purchase, appropriation, or resumption.

### **5 No compensation for closing streets**

In the case of any purchase, appropriation, or resumption hereinbefore referred to:

- (a) no compensation shall be payable to the Municipal Council of Sydney for or in respect of the taking, closing, or obstruction of any public way,
- (b) the Minister and any person interested, in respect of any land resumed or work or other matter done before or after the commencement of this Act, or in respect of any claim in respect thereof, may, in lieu of any compensation payable in respect of such resumption work or matter, or in part satisfaction thereof, agree that any land resumed shall be leased to such person for such term not exceeding thirty-five years, and upon such conditions as may be agreed upon; and the Governor is hereby authorised to grant such lease on behalf of Her Majesty.

Where, on the land in respect of which compensation is payable, a house is, at the time of the notification of the resumption, standing, in respect of which a publican's license is then in force, and an agreement has been made as hereinbefore mentioned,

the licensing court shall, without inquiry (except as to whether the accommodation at such house is in accordance with the law regulating the removal of such licenses), and without hearing any objections thereto, except as to the matter aforesaid, make an order removing the license to the premises situate on the land leased or agreed to be leased as aforesaid,

- (c) where any action is brought for compensation under this Act, the court before which the cause is tried shall take into consideration and give effect by way of set off or abatement to any enhancement in the value of any land belonging to the person whose land has been resumed and adjoining such resumed land or severed therefrom by the construction by the Crown of any work. But in no case shall this subsection operate so as to require any payment to be made by such person to the Minister in consideration of such enhancement in value, and
- (d) the Governor may lease for a term not exceeding fifty years any land not required for the purpose for which the same was purchased, appropriated, or resumed, and the rent shall be applied in such manner as the Governor may direct.

## **6 Compensation to be determined by a Supreme Court Judge and two District Court Judges**

Where, in the case of a resumption referred to in section two or three of this Act, an action for compensation is brought in the Supreme Court against the Government, the action shall be tried in the said court without a jury by a Supreme Court Judge and two District Court Judges, to be appointed in that behalf by the Governor.

The Supreme Court Judges or any three of them may make rules as to the procedure at any such trial and as to motions for new trials of any such action.

The said court shall have the powers and duties of a jury under the *Lands for Public Purposes Acquisition Act* or any Act amending the same.

## **Loans for Darling Harbour wharves**

### **7 Governor may raise money by debentures, inscribed stock or Treasury bills**

It shall be lawful for the Governor to raise by the issue of debentures or inscribed stock or the sale of Treasury bills bearing interest respectively at a rate not exceeding four per centum per annum such sums of money not exceeding in the whole the sum of four million pounds for all or any of the following public works or purposes:

- (a) the payment of compensation in respect of the resumption before the commencement of this Act of land for the purpose of carrying out a system of public wharves and approaches thereto at Darling Harbour and the waters of Port Jackson; and the payment of purchase money or compensation in respect of the purchase or resumption of land for the purpose of the extension of such system of public wharves and approaches,

- (b) the repair and construction on any land purchased, appropriated, or resumed for any of the purposes above mentioned, of any public buildings, walls, fences, wharves, landing-places, jetties, and ways, and the repair and construction on such land, and on any approaches thereto of public ways, and generally for effecting public improvements on such land and approaches.

#### **8 Governor may issue debentures or stock for redemption of Treasury bills**

It shall be lawful for the Governor to raise, by the issue of debentures or inscribed stock bearing interest respectively at a rate not exceeding four per centum per annum, such sums of moneys as may be required for the redemption of any Treasury bills which may be sold under the authority of the last preceding section.

#### **9 Security for loans**

Such debentures and inscribed stock and any interest thereon shall be chargeable on and payable out of the Consolidated Revenue Fund.

The principal moneys for which such Treasury bills are made out shall be chargeable on and payable out of the General Loan Account, and so far as funds are not, on the maturing of any such bills, available for such payment out of the said account, such moneys shall be chargeable on and payable out of the Consolidated Revenue Fund. The interest on such Treasury bills shall be chargeable on and payable out of the Consolidated Revenue Fund.

#### **10 Application of provisions of [Funded Stock Act of 1892](#) to stock sold in the Colony**

- (1) The provisions of the [Funded Stock Act of 1892](#) relating to the method of inscription and transfer of stock, and the regulations under such Act, and the forms prescribed in the said regulations, are hereby declared to be applicable to, and shall be followed and used, mutatis mutandis, in connection with all stock issued within the Colony under the provisions of this Act.
- (2) In respect of any stock issued in London under the provisions of this Act, the Governor may make regulations, not being inconsistent with the provisions of the [Inscribed Stock Act of 1883](#), for carrying this Act into effect; and such regulations shall be published in the Gazette and laid before Parliament within fourteen days of the publication thereof, if Parliament is then sitting, and if Parliament is not sitting, then within fourteen days of the commencement of the next session thereof.
- (3) The provisions of the [Treasury Bills Act of 1899](#) relating to the making out, signing, numbering, dating, and amounts of the Treasury bills authorised by that Act to be issued, and to the cancellation of defaced Treasury bills and the issue of new bills in lieu thereof, and in lieu of such bills as are lost, burned, or otherwise destroyed, and as to the cancellation of discharged bills shall apply to Treasury bills and debentures issued under this Act.

The said Treasury bills shall have such currency, not exceeding five years, as the

Governor may direct.

### **11 Sums borrowed, how to be accounted for and appropriated**

All moneys borrowed under this Act shall be paid to the Colonial Treasurer and shall be by him carried to and form part of the General Loan Account, and be appropriated and applied, as required, to the works and services hereinbefore specified, or to any other duly authorised Loan Services, in terms of the *Loans Fund Amalgamation Act of 1879*.

### **12 Power to trustees and others to invest in debentures, stock or Treasury bills**

Debentures, stock, or Treasury bills sold or issued under this Act are hereby declared to be for all purposes Government securities; and all corporations and other persons shall have power to invest in the purchase of such debentures, stock, and Treasury bills any property held by them, whether as trustees or otherwise, which they are not expressly forbidden to invest in Government stock or securities, without on that account being liable as for a breach of trust or incurring any liability whatsoever, provided that such investment is in other respects reasonable and proper.

## **Interest on compensation**

### **13 Interest on compensation**

In the case of any resumption made before or after the commencement of this Act for any purpose mentioned in this Act, and in the case of any resumption for any purpose made after the commencement of this Act the interest payable in pursuance of section sixteen of the *Lands for Public Purposes Acquisition Act* shall, after the commencement of this Act, be at the rate of four per centum per annum instead of at the rate of six per centum per annum as in the said section mentioned.

## **Validation of quarantine proclamations**

### **14 Validation of proclamations appointing quarantine stations**

All proclamations for the purpose of preventing the spread of the disease known as the "Bubonic Plague" made or published before the commencement of this Act, and made in pursuance of the provisions of the *Quarantine Act 1897*, or purporting to have been so made, and appointing places to be stations for the performance of quarantine and prohibiting persons from going within the limits of such stations, shall be deemed to have been and to be good and valid proclamations under that Act; and the Colonial Treasurer and all other persons are hereby saved harmless in respect of any acts done by them in pursuance of any such proclamation, and in respect of the cleansing and disinfecting of any land or buildings, and in respect of the closing, pulling down and removal of any buildings within any such stations for the purpose of preventing the spread of the said disease, and in respect of the cleaning and disinfecting of any land or buildings, and in respect of the closing, pulling down, and removal of any buildings outside any such station for the purpose of preventing the spread of the said disease.



## **15 No actions against Government**

No action or suit shall be commenced or continued under the *Claims against the Government and Crown Suits Act 1897*, or against any person or persons, for any compensation in respect of, or damages alleged to have been caused by, any of the acts in the next preceding section mentioned.

## **Schedule One**

Commencing at the intersection of the northern side of Charlotte-place or Grosvenor-street, with the western side of George-street; thence northerly following the western side of George-street to its intersection with the Queen's Wharf Road; thence easterly crossing George-street along the northern side of the Queen's Wharf Road to the waters of Port Jackson; thence northerly and north-westerly along the waters of Port Jackson to the termination of George-street North at Dawes Point; thence from the waters of Port Jackson, following the boundary of the land resumed under the proclamation dated the third day of May, one thousand nine hundred, and appearing in the Government Gazette of the same date, to its intersection with the western side of Kent-street; thence southerly along the western side of Kent-street to the northern boundary of the Australian Gaslight Company's property; thence easterly crossing Kent-street at right angles; thence southerly along the eastern side of Kent-street to its intersection with the northern side of Crescent-street; thence easterly along the northern side of Crescent-street to its intersection with the eastern-side of Princes-street; thence southerly along the eastern side of Princes-street to its intersection with the northern side of Charlotte-place or Grosvenor-street, and thence easterly along the northern side of Charlotte-place or Grosvenor-street, to the point of commencement.

## **Schedule Two**

Commencing at the intersection of the northern side of Erskine-street with the western side of Kent-street, and following in a northerly direction the western side of Kent-street to its intersection with the northern side of Margaret-street; thence following in a westerly direction the northern side of Margaret-street to its intersection with the western side of Sussex-street; thence southerly along the western side of Sussex-street to its intersection with the northern side of Erskine-street; thence easterly across Sussex-street, and along the northern side of Erskine-street, to the point of commencement.

## **Schedule Three**

*Description of the Corporation Pig and Calves Market*

Commencing at a point on the western side of Sussex-street, between King-street and Market-street, where the western side of Sussex-street intersects a southern boundary of the land resumed under a proclamation dated the third day of May, one thousand nine hundred, appearing in the Government Gazette of the same date; thence westerly, southerly, and south-easterly along the said boundary to its intersection with the western side of Sussex-street; thence northerly on the western side of Sussex-street, to the point of commencement.

## **Schedule Four**

Commencing at the intersection of the western side of Kent-street with a southern boundary of the land resumed under the proclamation dated the third day of May, one thousand nine hundred, and appearing in the Government Gazette of the same date; thence westerly, north-westerly, southerly,

easterly, south-easterly, again southerly, and again easterly, following the boundary of the said land to its intersection with the western side of Kent-street; thence northerly along the western side of Kent-street, to the point of commencement.