

# Balmain-Rozelle Anzac Memorial Hall Act 1961 No 14

[1961-14]



New South Wales

## Status Information

### Currency of version

Repealed version for 27 March 1961 to 5 July 2012 (accessed 23 November 2024 at 10:49)

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The Act was repealed by Sch 5 to the [Statute Law \(Miscellaneous Provisions\) Act 2012 No 42](#) with effect from 6.7.2012.

### 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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# Balmain-Rozelle Anzac Memorial Hall Act 1961 No 14



New South Wales

An Act to vest the Balmain-Rozelle Anzac Memorial Hall in the trustees of the Balmain-Rozelle Sub-branch of The Returned Sailors, Soldiers and Airmen's Imperial League of Australia (New South Wales Branch); and for purposes connected therewith.

## Preamble

WHEREAS the lands described in the Schedule to this Act are now held UPON TRUST to permit those lands and all things thereon or therein or appertaining thereto to be used as a clubroom and hall and billiard and reading room and gymnasium for the use of ex-members of the Australian Imperial Force or of the Royal Australian Navy who enlisted from or are for the time being resident within the Municipality of Balmain comprising the districts known at the date when such trust was declared as Balmain and Rozelle and otherwise for the benefit of the returned sailors and soldiers of Balmain and Rozelle enlisting or resident as aforesaid: AND WHEREAS the management of the trust premises is vested in a committee of management comprising the committee of the Balmain-Rozelle Sub-branch of The Returned Sailors, Soldiers and Airmen's Imperial League of Australia (New South Wales Branch): AND WHEREAS it is expedient that the said lands be vested in the trustees of the Balmain-Rozelle Sub-branch of The Returned Sailors, Soldiers and Airmen's Imperial League of Australia (New South Wales Branch):

BE it therefore 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:

## 1 Name of Act and commencement

- (1) This Act may be cited as the *Balmain-Rozelle Anzac Memorial Hall Act 1961*.
- (2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

## 2 Definitions

In this Act, unless the context or subject matter otherwise indicates or requires:

**Committee of management** means the committee or other governing body for the time being of the Sub-branch which committee or governing body is in a certain Declaration of Trust dated the eighth day of February, one thousand nine hundred and twenty-two, made by Reginald Thornton, Albert Frank Smith and John Joseph Reeder (all therein described), referred to as the Committee of Management.

**Sub-branch** means the Balmain-Rozelle Sub-branch of The Returned Sailors, Soldiers and Airmen's Imperial League of Australia (New South Wales Branch).

**Trustees** means the trustees of the Sub-branch for the time being and their successors in title.

**Trust property** means the lands described in the Schedule to this Act.

### **3 Vesting of trust property**

- (1) The trust property is hereby transferred to and vested in the trustees upon trust for the members of the Sub-branch in accordance with the Constitution, Rules and By-laws of The Returned Sailors, Soldiers and Airmen's Imperial League of Australia (New South Wales Branch).
- (2) All trusts affecting the trust property immediately before the commencement of this Act are hereby revoked and annulled.
- (3) Subject to subsection two of this section, the vesting of the trust property by virtue of subsection one of this section shall not affect any encumbrance, charge, lien, easement, estate or interest to which the trust property was subject immediately before the commencement of this Act.

### **4 Exoneration of members of the committee of management and of trustees**

All persons who, at any time before the commencement of this Act, were members of the committee of management or were trustees of the trust property, and the estates of all deceased members of the committee, and of all deceased trustees of the trust property are hereby released and discharged from all claims and demands which, before the commencement of this Act, arose out of contract or tort or otherwise in relation to the ownership, management or administration of the trust property.

### **5 Preservation of rights**

Nothing in this Act contained or that may be done under this Act shall be deemed prejudicially to affect or deprive any person of any right whatsoever which, before the commencement of this Act, arose out of contract or tort or otherwise in relation to the trust property, and any such right which may, immediately before the commencement of this Act, have been enforceable against the committee of management or any trustee of the trust property may be enforced against the trustees or the Sub-branch.

## **6 Vesting of rights**

All rights, including choses in action, arising out of contract, tort, or otherwise in any way relating to the trust property which were, immediately before the commencement of this Act, vested in the then committee of management or in the then trustees of the trust property, are hereby vested in and may be enforced by the trustees.

## **Schedule**

ALL THAT piece of land situated in the Municipality of Balmain, Parish of Petersham, County of Cumberland having a frontage to Darling Street Balmain and being the whole of the land comprised in Certificate of Title Volume 2174 Folio 33.

ALSO ALL THAT piece of land situated as aforesaid being the residue of the land comprised in Conveyance registered number 598 Book 1250 after excluding therefrom the land now comprised in Certificate of Title Volume 4669 Folio 32.