

New South Wales.



ANNO TERTIO

GEORGI VI REGIS.

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Act No. 27, 1939.

An Act to provide that the title of certain leases of land in the Western Division of which the beneficial interest is held by The Trustees of Church Property for the Diocese of Newcastle shall be a lease in perpetuity; to impose certain restrictions on dealings with such leases; for these and other purposes to amend the Western Lands Act of 1901 and certain other Acts in certain respects; and for purposes connected therewith. Assented to, 7th November, 1939.]

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*Bishop Tyrrell Trust (Amendment).*

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**B**E 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.** (1) This Act may be cited as the "Bishop Tyrrell Trust (Amendment) Act, 1939."

(2) This Act shall be read and construed with the Western Lands Act of 1901, as amended by subsequent Acts.

Extension  
of certain  
leases.

**2.** (1) The leases, particulars whereof are set out in the Schedule to this Act are, notwithstanding anything contained in the Western Lands Act of 1901, as amended by subsequent Acts, hereby extended to leases in perpetuity.

(2) Each lease so extended shall, except as expressly provided in this Act, be subject to the general provisions of the Western Lands Act of 1901, as amended by subsequent Acts, in all respects as if the same had been extended to a lease in perpetuity under that Act and to the conditions attaching to the lease and in force immediately before the commencement of this Act.

(3) Each lease so extended shall be subject to a special condition that it shall not be transferred or otherwise dealt with by The Trustees of Church Property for the Diocese of Newcastle except by way of mortgage.

(4) Each lease so extended shall, in addition to the conditions attaching to the lease and in force immediately before the commencement of this Act, and to the special condition referred to in subsection three of this section, be subject to such terms and conditions of improvement and maintenance thereof, including water supply and the destruction of rabbits, wild dogs and other noxious animals as the Minister, after report by the local land board, may consider necessary to reasonably increase or to preserve the carrying capacity of the land, and may impose.

(5) The instruments of lease of the leases so extended shall be lodged at the office of the Commissioner in order that a notification of such extension and a note  
of

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*Bishop Tyrrell Trust (Amendment).*

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of the special condition referred to in subsection three of this section and of any terms or conditions imposed pursuant to subsection four of this section may be endorsed thereon.

(6) Without prejudice to the generality of subsection two of this section, the provisions of subsection eleven of section 18E of the Western Lands Act of 1901, as amended by subsequent Acts, shall extend to and in respect of the leases so extended in all respects as if they had been extended upon application made under that section, as from the commencement of this Act.

**3.** (1) The Trustees of Church Property for the Diocese of Newcastle shall continue to hold the beneficial interest in the leases extended to leases in perpetuity by subsection one of section two of this Act, upon the trusts of the will of the late Right Reverend William Tyrrell, Lord Bishop of Newcastle, as varied by the Bishop Tyrrell Trust Act, the Bishop Tyrrell Trust Act Amendment Act, 1918, the Bishop Tyrrell Trust Act Amendment Act, 1923, and the Bishop Tyrrell Trust Act Amendment Act, 1927.

Leases to  
continue  
subject to  
certain  
trusts.

(2) If the beneficial interest in any one or more of such leases ceases to be so held the Minister may, upon the recommendation of the Commissioner, at any time withdraw land from the area held under such lease or leases as the case may be, but the land which may be so withdrawn shall not exceed one-eighth of the area of the lease or leases as the case may be.

The provisions of section seventeen (except subsections one and five thereof) of the Western Lands Act of 1901, as amended by subsequent Acts, shall, mutatis mutandis, apply to and in respect of any such withdrawal.

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*Bishop Tyrrell Trust (Amendment).*

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Sec 2

## SCHEDULE.

Western Lands Lease No.	Area (acres).	County.
154	10,240	Narran.
576	32,837	Narran and Culgoa.

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By Authority:THOMAS HENRY TENNANT, Acting Government Printer, Sydney, 1939.  
[3d.]

*I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.*

W. R. McCOURT,  
*Clerk of the Legislative Assembly.*  
*Legislative Assembly Chamber,*  
*Sydney, 31 October, 1939.*

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An Act to provide that the title of certain leases of land in the Western Division of which the beneficial interest is held by The Trustees of Church Property for the Diocese of Newcastle shall be a lease in perpetuity; to impose certain restrictions on dealings with such leases; for these and other purposes to amend the Western Lands Act of 1901 and certain other Acts in certain respects; and for purposes connected therewith. Assented to, 7th November, 1939.]

BE

*I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.*

W. W. HEDGES,  
*Chairman of Committees of the Legislative Assembly.*

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*Bishop Tyrrell Trust (Amendment).*

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**1.** (1) This Act may be cited as the "Bishop Tyrrell Trust (Amendment) Act, 1939."

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(2) Each lease so extended shall, except as expressly provided in this Act, be subject to the general provisions of the Western Lands Act of 1901, as amended by subsequent Acts, in all respects as if the same had been extended to a lease in perpetuity under that Act and to the conditions attaching to the lease and in force immediately before the commencement of this Act.

(3) Each lease so extended shall be subject to a special condition that it shall not be transferred or otherwise dealt with by The Trustees of Church Property for the Diocese of Newcastle except by way of mortgage.

(4) Each lease so extended shall, in addition to the conditions attaching to the lease and in force immediately before the commencement of this Act, and to the special condition referred to in subsection three of this section, be subject to such terms and conditions of improvement and maintenance thereof, including water supply and the destruction of rabbits, wild dogs and other noxious animals as the Minister, after report by the local land board, may consider necessary to reasonably increase or to preserve the carrying capacity of the land, and may impose.

(5) The instruments of lease of the leases so extended shall be lodged at the office of the Commissioner in order that a notification of such extension and a note  
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*Bishop Tyrrell Trust (Amendment).*

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of the special condition referred to in subsection three of this section and of any terms or conditions imposed pursuant to subsection four of this section may be endorsed thereon.

(6) Without prejudice to the generality of subsection two of this section, the provisions of subsection eleven of section 18E of the Western Lands Act of 1901, as amended by subsequent Acts, shall extend to and in respect of the leases so extended in all respects as if they had been extended upon application made under that section, as from the commencement of this Act.

**3.** (1) The Trustees of Church Property for the Diocese of Newcastle shall continue to hold the beneficial interest in the leases extended to leases in perpetuity by subsection one of section two of this Act, upon the trusts of the will of the late Right Reverend William Tyrrell, Lord Bishop of Newcastle, as varied by the Bishop Tyrrell Trust Act, the Bishop Tyrrell Trust Act Amendment Act, 1918, the Bishop Tyrrell Trust Act Amendment Act, 1923, and the Bishop Tyrrell Trust Act Amendment Act, 1927.

Leases to continue subject to certain trusts.

(2) If the beneficial interest in any one or more of such leases ceases to be so held the Minister may, upon the recommendation of the Commissioner, at any time withdraw land from the area held under such lease or leases as the case may be, but the land which may be so withdrawn shall not exceed one-eighth of the area of the lease or leases as the case may be.

The provisions of section seventeen (except subsections one and five thereof) of the Western Lands Act of 1901, as amended by subsequent Acts, shall, *mutatis mutandis*, apply to and in respect of any such withdrawal.

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*Bishop Tyrrell Trust (Amendment).*

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Sec. 2.

## SCHEDULE.

Western Lands Lease No.	Area (acres).	County.
154	10,240	Narran.
576	32,837	Narran and Culgoa.

*In the name and on behalf of His Majesty I assent to  
this Act.*

WAKEHURST,  
*Governor.*

*Government House,  
Sydney, 7th November, 1939.*