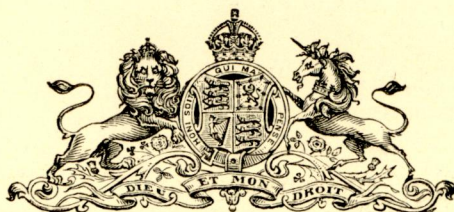


*I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.*

W. R. McCOURT,  
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 3 November, 1939.*

## New South Wales.



ANNO TERTIO

## GEORGI VI REGIS.

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### Act No. 38, 1939.

An Act to provide for the planning of the town of Glen Davis; to sanction the construction of certain works at Glen Davis; to approve of a certain agreement made between the Commonwealth of Australia of the first part, the State of New South Wales of the second part, and National Oil Proprietary Limited of the third part; to amend the National Oil Proprietary Limited Agreement Ratification Act, 1937, and certain other Acts in certain respects; and for purposes connected therewith. [Assented to, 13th 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.*

*Glen Davis.*

**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:—

## PART I.

## PRELIMINARY.

Short title  
and com-  
mencement.

**1.** (1) This Act may be cited as the "Glen Davis Act, 1939."

(2) This Act shall come into force on a day to be fixed by proclamation of the Governor published in the Gazette.

(3) The Governor may not make such proclamation unless he is satisfied that the Parliament of the Commonwealth has passed an Act approving of the agreement a copy of which is set out in the First Schedule to this Act.

Division  
into Parts.

(4) This Act is divided into Parts as follows:—

PART I.—PRELIMINARY.

PART II.—RATIFICATION OF AGREEMENT.

PART III.—ACQUISITION OF LAND.

PART IV.—AUTHORISATION OF CERTAIN WORKS.

PART V.—PLANNING PROVISIONS.

PART VI.—MISCELLANEOUS.

SCHEDULES.

Definitions.

**2.** In this Act, unless the context or subject matter otherwise indicates or requires—

"Council" means council as defined in the Local Government Act.

"Local Government Act" means the Local Government Act, 1919, as amended by subsequent Acts.

"Prescribed" means prescribed by this Act or by the regulations.

"Regulations" means regulations made under this Act.

"Road"

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*Glen Davis.*


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“Road” means road, street, lane, highway, path-way or thoroughfare, including a bridge, culvert, causeway, ford, crossing, and the like on the line of a road through or over a watercourse.

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## PART II.

## RATIFICATION OF AGREEMENT.

## 3. In this Part—

Definitions.

“The first agreement” means the agreement a copy of which is set out in the Schedule to the National Oil Proprietary Limited Agreement Ratification Act, 1937.

“The second agreement” means the agreement a copy of which is set out in the First Schedule to this Act.

“The Company” means National Oil Proprietary Limited.

4. (1) The second agreement is hereby approved and ratified. Approval of agreement.

(2) The Moratorium Act, 1932, and any amendment thereof, shall not apply to the first agreement as varied by the second agreement. Exclusion of Moratorium Act, 1932.

(3) The first agreement, as varied by the second agreement, shall not require to be registered under Part IX of the Companies Act, 1936, or the Bills of Sale Act, 1898-1938, but without any such registration the first agreement, as varied by the second agreement, shall, so far as any security on the Company's property or undertaking is thereby conferred, be valid against the liquidator or any creditor of the Company. Exclusion of Part IX of the Companies Act, 1936, and the Bills of Sale Act, 1898-1938, as regards the agreement.

5. The reservation enacted by section eight of the National Oil Proprietary Limited Agreement Ratification Act, 1937, so far as concerns the land described in the First Part of the Schedule to the second agreement, is hereby revoked. Amendment of Act No. 2, 1937, s. 8.

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 PART

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*Glen Davis.*

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PART III.

ACQUISITION OF LAND.

Acquisition  
of land.

**6.** (1) The Minister may, by appropriation or resumption, acquire the whole or any part of the land described in the Second Schedule to this Act, or any land adjoining the same or adjacent thereto, for the purposes of this Act.

(2) Where the Minister proposes to acquire land by appropriation or resumption he may make application to the Governor for the purpose.

(3) The Governor may authorise the appropriation or resumption of the land.

(4) Thereupon the Governor may—

(a) appropriate or resume the land by Gazette notification under Division 1 of Part V of the Public Works Act, 1912, as amended by subsequent Acts;

(b) notify that the land is vested in the Minister.

(5) Thereupon the land shall vest in the Minister and his successors.

(6) For the purposes of the Public Works Act, 1912, as amended by subsequent Acts, such appropriation or resumption shall be deemed to be for the purpose of carrying out an authorised work within the meaning of that Act.

Amendment  
of Act No.  
45, 1912,  
s. 124.

cf. Act No.  
28, 1922,  
s. 15.

**7.** For the purposes of this Part of this Act, but not otherwise, section one hundred and twenty-four of the Public Works Act, 1912, as amended by subsequent Acts, is amended by omitting the words "at the time notice was given, or notification published, as the case may be," and by inserting in lieu thereof the words "as at the twenty-third day of July, one thousand nine hundred and thirty-seven."

Closing of  
reserved  
road.

**8.** Upon the resumption of the land described in the Second Part of the Schedule to the agreement, the reserved road referred to in that Schedule shall, by virtue of this section, be closed and the rights, if any, therein of the public or any person shall thereupon be extinguished.

In

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*Glen Davis.*


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In this section "the agreement" means the agreement a copy of which is set out in the First Schedule to this Act.

**9.** The Minister may surrender to the Crown any land vested in him under this Part. Surrender  
of land to  
the Crown.

The surrender shall be evidenced by an instrument in the prescribed form which shall operate to re-vest the surrendered land in His Majesty, His Heirs and Successors according to law.

The land so becoming vested in His Majesty shall not be available for the purpose of the Crown Lands Consolidation Act, 1913, as amended by subsequent Acts, but shall become so vested to the intent that a Crown grant of any part or parts thereof may be issued to the Minister or to a nominee of the Minister.

The Registrar-General shall by entry in the register book kept under the Real Property Act, 1900, and, except where production of the same is dispensed with under the provisions of that Act, on the duplicate Crown grant, certificate of title or other instrument evidencing title to any land so becoming vested in His Majesty, cancel such Crown grant, certificate of title or other instrument.

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PART IV.

AUTHORISATION OF CERTAIN WORKS.

**10.** (1) (a) The carrying out, on land acquired by the Minister under this Act, of the work described in the Third Schedule to this Act, is hereby sanctioned. Work  
sanctioned.

(b) The said work shall be deemed to be an authorised work within the meaning of the Public Works Act, 1912, as amended by subsequent Acts.

(c)

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*Glen Davis.*


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(c) The Minister is empowered to carry out the said work, and shall be the constructing authority for the same within the meaning of the said Act as so amended, and shall enter into such contracts and take all such necessary steps for the proper execution thereof as such authority may think proper.

(d) The provisions of the Public Works Act, 1912, as amended by subsequent Acts, sections thirty-four, thirty-five, thirty-six and thirty-seven excepted, shall apply to and in respect of the said work.

(2) Without prejudice to the generality of subsection one of this section the provisions of section thirty-eight of the Public Works Act, 1912, as amended by subsequent Acts, shall apply to and in respect of any contracts referred to in paragraph (c) of subsection one of this section.

The plan. **11.** The plan of the said work is the plan marked "Town of Glen Davis" signed by the Minister for Public Works and deposited in the public office of the said Minister.

Cost. **12.** The cost of carrying out the said work (exclusive of land resumptions) is estimated at thirty-seven thousand pounds and such estimated cost shall not, under any circumstances, be exceeded by more than ten per centum.

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 PART V.

## PLANNING PROVISIONS.

Plan. **13.** The Minister may cause a plan or plans to be made in relation to any land acquired by him under this Act, and may in such plan or plans indicate—

(a) the proposed roads and proposed reserves for public recreation or other public purposes, including any roads or any such reserves which are additional to those shown on the plan referred to in section eleven of this Act;

(b)

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*Glen Davis.*

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- (b) the parts of such land which are proposed to be set apart as sites for—
  - (i) residences;
  - (ii) shops;
  - (iii) business premises;
  - (iv) other buildings;
- (c) the parts of such land which are proposed to be set apart for—
  - (i) religious purposes;
  - (ii) charitable purposes;
  - (iii) municipal purposes;
  - (iv) any other public purpose of a like character.

**14.** The Governor may, by proclamation published in the Gazette, declare any road constructed by the Minister on land acquired by him under this Act, to be a public road. Dedication  
of roads.

Thereupon such road shall, notwithstanding anything contained in the Local Government Act, be a public road within the meaning of that Act.

**15.** (1) The Minister may, by notification in the Gazette, appoint the council of the area within which any reserve referred to in paragraph (a) of section thirteen of this Act is situate, to be the trustees of such reserve. Trustees of  
reserves.

(2) Upon the publication of such notification the reserve shall be a public reserve within the meaning of the Local Government Act.

(3) A Crown grant of the land comprised in any such reserve may, if the Minister so recommends, be issued to the council.

(4) Any Crown grant so issued may confer such estate in the land accompanied by such powers and with such conditions as the Minister may think fit and as may be therein specified.

**16.** (1) The Minister may lease any land acquired by him under this Act, subject to such reservations and conditions and for such term as he may think fit. Leases.  
cf. Act No.  
7, 1912,  
s. 8.

(2)

*Glen Davis.*

(2) Every lease made under this section shall be made to take effect in possession not later than three months after its date.

(3) (a) Every lease made under this section shall reserve the best rent that can reasonably be obtained, regard being had to the circumstances of the case.

(b) This subsection shall not apply to or in respect of a lease where, in the opinion of the Minister, the land comprised in the lease is to be used exclusively for charitable, patriotic or other public purposes.

(4) Every lease made under this section shall contain a condition of re-entry on the rent not being paid within a time therein specified, and the covenants implied by section eighty-four of the Conveyancing Act, 1919-1939, shall not be excluded therefrom.

Lands not  
to be sublet.

(5) Every lease made under this section shall be in writing and shall, subject to this section, contain such provisions as the Minister thinks fit and shall include a provision that the land, and buildings (if any), or any part thereof shall not be sublet and the lease shall not be assigned without the leave of the Minister, which leave the Minister may in his absolute discretion grant or withhold.

Power to  
sell.

**17.** (1) The Minister may, by public auction or private treaty, sell any land acquired by him under this Act to any person upon such terms and conditions as he may think fit.

cf. Act No.  
7, 1913,  
s. 142 (6).

(2) Without prejudice to the generality of subsection one of this section the conditions of any such sale may include—

- (a) a condition that the land shall not be used for any purpose other than a specified purpose;
- (b) a condition that the land shall not be subdivided without the consent in writing of the Minister;
- (c) a condition that a building of a specified character or class only shall be erected on the land and/or that a building of a specified character or class shall be erected on the land within a specified time;
- (d) a condition providing for the forfeiture of the land upon breach of any specified condition;
- (e)



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*Glen Davis.*

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(c) any other condition which the Minister considers necessary for the carrying out of the objects and purposes of this Act.

(3) The conditions referred to in paragraphs (a), (b), (c) and (d) of subsection two of this section are in this Part referred to as "special conditions."

(4) Subject to the provisions of this Part of this Act a special condition—

(a) shall bind the land to which the special condition relates;

(b) shall not cease to bind such land after a Crown grant thereof has issued.

**18.** (1) In the event of the breach or non-observance of any of the terms or conditions contained in a contract for the sale of any land made under this Part of this Act, it shall be lawful for the Minister, by notification published in the Gazette, to declare the contract to be rescinded and thereupon the contract shall be rescinded and all moneys paid to the Minister thereunder shall be forfeited.

Breach of conditions in contract of sale.

The rescission shall not operate to extinguish the obligation to pay any moneys which are due and payable to the Minister at the date of the notification.

(2) The acceptance by or on behalf of the Minister of any moneys payable to him under the contract shall not be held to operate as a waiver of the breach or non-observance of any term or condition contained in the contract.

Forfeiture—acceptance of moneys no waiver. cf. Act No. 7, 1913, s. 207.

**19.** (1) Where the terms and conditions of the sale of any land under this Part of this Act have been duly complied with the Governor shall issue a Crown grant of the land in or to the effect of the prescribed form to the person entitled to such land, his heirs and assigns forever.

Governor to issue Crown grant.

(2) Any Crown grant so issued shall—

(a) contain a reservation of all minerals in such land, such minerals to be those defined by or under

under

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*Glen Davis.*


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under the Mining Act, 1906, and any Act amending or replacing the same, and such other reservations and exceptions as may by the Governor be deemed expedient in the public interest; and

- (b) contain the special conditions which, under this Part of this Act, bind the land after the issue of the Crown grant.

**Forfeiture.** **20.** (1) Where a Crown grant becomes liable to be forfeited under this Act such forfeiture may be declared by the Minister by notification published in the Gazette.

(2) Where a Crown grant is forfeited pursuant to this section the Registrar-General may, upon the application of the Minister and upon production of the Gazette notification declaring such forfeiture, make every such entry, cancellation and correction in the register book as shall appear to the Registrar-General to be necessary or proper.

**Effect of cancellation of contract and forfeiture of grant.**

**21.** (1) Where a contract for sale is rescinded pursuant to section eighteen of this Act the land to which the contract related may be disposed of by the Minister under this Part.

(2) Where a Crown grant is forfeited pursuant to section twenty of this Act the land comprised in the grant shall revert in His Majesty, His Heirs and Successors according to law.

The land so reverted in His Majesty shall not be available for the purposes of the Crown Lands Consolidation Act, 1913, as amended by subsequent Acts, but shall be so reverted to the intent that a Crown grant thereof or of any part thereof may be issued to the Minister or to a nominee of the Minister.

Lands so reverted in His Majesty may be disposed of by the Minister under this Part.

**Variation of special conditions.**

**22.** (1) Where the Minister is satisfied that, having regard to the circumstances of the case, it is just and reasonable so to do, he may, by instrument under his **official**

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*Glen Davis.*

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official seal, cancel or vary any special condition which binds any land either before or after the issue of a Crown grant of such land.

(2) The instrument shall be in or to the effect of the prescribed form.

(3) A special condition binding any land shall not be cancelled or varied under this section except with the consent of the owner of the land.

(4) Where a special condition binding any land, either before or after a Crown grant of such land has been issued, is varied under this section the provisions of subsection four of section seventeen of this Act shall apply to and in respect of the special condition as so varied.

(5) Where a special condition binding on any land after a Crown grant of such land has been issued is cancelled or varied under this section, the Registrar-General may make every such entry, cancellation and correction in the register book as shall appear to the Registrar-General to be necessary or proper to give effect to the instrument by which such special condition is cancelled or varied.

**23.** (1) A Crown grant of any land acquired by the Minister under this Act may, upon the recommendation of the Minister, be issued to such person or body of persons as he may nominate for the purpose, as a site to be used for religious, charitable or municipal purposes or other public purposes of a like character.

Grants for charitable and municipal purposes.

(2) Any Crown grant issued under this section shall contain—

(a) the reservation of minerals referred to in paragraph (a) of subsection two of section nineteen of this Act and such other reservations and exceptions as may, by the Governor, be deemed expedient in the public interest; and

(b) a condition binding the land, which shall be a special condition within the meaning of this Act, for the erection within a specified time of a building according to plans and specifications approved by the Minister; and

(c)

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*Glen Davis.*

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- (c) a condition binding the land, which shall be a special condition within the meaning of this Act, providing that the land shall not be used for purposes other than those specified; and
- (d) a condition of forfeiture on the breach or non-observance of any specified condition, being a condition referred to in paragraph (a) or paragraph (b) or paragraph (c) of this subsection.

Crown  
grant of  
hotel site.

**24.** (1) As soon as practicable after the commencement of this Act a Crown grant of the lands described in the Fourth Schedule to this Act shall be issued to William Joseph Lees of Mount Victoria, licensed publican, his heirs and successors forever.

(2) The Crown grant issued under this section shall contain—

- (a) the reservation of minerals referred to in paragraph (a) of subsection two of section nineteen of this Act, and such other reservations and exceptions as may, by the Governor, be deemed expedient in the public interest;
- (b) a condition binding the land, which shall be a special condition within the meaning of this Act, for the construction, within twelve months after the date of the Crown grant, upon the lands thereby granted, of buildings in accordance with the plans and information lodged with the licensing court for the Hartley licensing district held at Lithgow on the twenty-eighth day of September, one thousand nine hundred and thirty-nine, in connection with an application by Edith Mary Gardiner the licensee of the Mount Victoria Hotel situated at Mount Victoria in the said licensing district for the conditional removal of such license to premises proposed to be erected at Glen Davis in the said licensing district upon the lands described in such application;

(c)

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*Glen Davis.*


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- (c) a condition binding the land, which shall be a special condition within the meaning of this Act, providing that the land shall not, after a specified date, be used for any purpose other than as licensed premises in respect of which a publican's license is held;
- (d) a condition of forfeiture—
  - (i) on the breach or non-observance of any specified condition being a condition referred to in paragraph (a) of this subsection; or
  - (ii) on the breach or non-observance of any condition referred to in paragraph (b) or paragraph (c) of this subsection; or
  - (iii) in the event of the land ceasing to be premises in respect of which a publican's license is held.

**25.** The Minister may—

- (a) remit any part of the amount due under any contract for the sale of land under this Part of this Act;
- (b) extend the period provided in any such contract for the payment of any purchase money.

Power  
to remit  
amounts  
and extend  
times.

**26.** (1) Where, by virtue of this Act or of the operation of any instrument made or executed under this Act, the Minister is entitled to the possession of any land and the person in the occupation or use of such land, or any other person, refuses to give up possession thereof or hinders the Minister from entering upon or taking possession of the same, the Minister may issue a warrant to the Sheriff to deliver possession of the same to the person appointed in such warrant to receive the same.

Remedies.  
cf. Act No.  
45, 1912,  
s. 65.

(2) Upon the receipt of such warrant the Sheriff shall deliver possession of such lands accordingly and the cost accruing by reason of the issuing and execution of such warrant to be settled by the Sheriff shall be paid by the person refusing to give possession.

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 PART

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*Glen Davis.*

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PART VI.

MISCELLANEOUS.

Minister a  
body  
corporate.  
cf. Act No.  
7, 1912,  
s. 3.

**27.** (1) For the purpose of facilitating the acquisition and disposal of land under this Act the Minister shall be a corporation sole under the name of "the Minister" and by that name shall have perpetual succession and an official seal and may sue and be sued in his corporate name and shall, for the purposes and subject to the provisions of this Act, be capable of purchasing, holding, granting, demising, disposing of or otherwise dealing with real and personal property, and of doing and suffering all such acts and things as bodies corporate may by law do and suffer.

(2) All courts and persons having by law or consent of parties authority to hear, receive, and examine evidence—

- (a) shall take judicial notice of the official seal of the corporation sole affixed to any document; and
- (b) shall, until the contrary be proved, presume that such seal was properly affixed thereto.

Statement  
for  
Parliament.

**28.** As soon as practicable after the thirtieth day of June in each year the Minister shall prepare and lay before both Houses of Parliament a statement for the year ending on that date, showing—

- (a) the moneys expended during such year under this Act in acquiring land and in carrying out any works on such land;
- (b) the rentals contracted for, the amount of rent received and of arrears outstanding;
- (c) the area of land appropriated and resumed under this Act and the value of such land;
- (d) the area of land sold under this Act and the consideration for each sale;
- (e) such other matters as are necessary for the survey of the Minister's operations under this Act for the year,

**29.**

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*Glen Davis.*


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**29.** Notwithstanding anything contained in the Liquor Act, 1912, or any other Act, an application to a licensing court—

Removal of publican's license.

- (a) for the grant of a spirit merchant's license for premises situated within the boundaries of any land acquired by the Minister under this Act (except the land described in the Fourth Schedule to this Act) or within a distance of one mile from any of such boundaries; or
- (b) for the removal of a publican's license, spirit merchant's license or Australian wine license to any premises situated as aforesaid; or
- (c) for an order conditionally granting the removal of a publican's license to any premises situated as aforesaid,

shall not be entertained by the licensing court unless the Minister has consented in writing to the making of the application.

**30.** (1) Notwithstanding anything contained in the Local Government Act the Governor may, by proclamation published in the Gazette, declare that the whole or any part of any land theretofore acquired by the Minister under this Act, together with such other lands (if any) as the Governor may think fit, shall, as from a date appointed in the proclamation, be constituted as a municipality within the meaning of the Local Government Act.

Constitution of municipality.

The corporate name of such municipality shall be "The Council of the Municipality of Glen Davis."

(2) The Governor may, in and by the proclamation, appoint an administrator of such municipality.

(3) The Governor may, by such proclamation, or by any subsequent proclamation made by him from time to time and published in the Gazette, declare that until the first election of aldermen of the municipality is held all or any of the provisions of the Local Government Act or of any other Act as specified in the proclamation, in so far as they apply to a municipality or to the council thereof or to the area of a municipality, shall not apply to or in respect of the municipality constituted under this section.

(4)

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*Glen Davis.*


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(4) Upon the date appointed in the proclamation under subsection one of this section—

- (a) the lands so constituted a municipality shall cease to be a part of the Shire of Blaxland;
- (b) the council of such shire shall be deemed to be the council of that shire as altered by the taking away of such lands; and
- (c) no reconstitution of the council or the area of the Shire of Blaxland shall be necessary.

(5) An administrator appointed under this section shall have the powers, duties and liabilities of a council, and shall be paid out of the general fund of the municipality such salary as the Governor may determine.

(6) The Governor may, by proclamation published in the Gazette, appoint a date upon which the first election of aldermen of the municipality shall be held.

(7) An administrator appointed by the Governor under this section may be removed by the Governor by proclamation published in the Gazette, and the Governor may, in like manner, appoint another administrator in his stead.

(8) An administrator appointed under this section shall cease to hold office as such upon the date upon which the first election of aldermen of the municipality is held.

**31.** No compensation shall be payable to any person or body of persons, corporate or unincorporate, in respect of the appropriation or resumption under this Act of any of the lands described in the Second Schedule to this Act.

**32.** Any person who contravenes or fails to comply with any special condition contained in any contract of sale made under this Act or in a Crown grant issued under this Act, shall be liable, upon summary conviction, to a penalty not exceeding twenty pounds, and where the contravention or failure is a continuing one, to a penalty not exceeding two pounds for each day during which such contravention or failure continues.

**33.** (1) The Governor may make regulations not inconsistent with this Act prescribing all matters which by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act.



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*Glen Davis.*

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(2) The regulations may impose a penalty not exceeding fifty pounds for any breach thereof.

(3) The regulations shall—

- (a) be published in the Gazette;
- (b) take effect from the date of publication or from a later date to be specified in the regulations; and
- (c) be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is in session and if not then within fourteen sitting days after the commencement of the next session.

(4) If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such regulation has been laid before such House disallowing any regulation or part thereof such regulation or part shall thereupon cease to have effect.

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## SCHEDULES.

### FIRST SCHEDULE.

**MEMORANDUM OF AGREEMENT** made the twenty-fifth day of October one thousand nine hundred and thirty-nine BETWEEN THE COMMONWEALTH OF AUSTRALIA (hereinafter called "the Commonwealth") of the first part THE STATE OF NEW SOUTH WALES (hereinafter called "the State") of the second part and NATIONAL OIL PROPRIETARY LIMITED (hereinafter called "the Company") of the third part and intended to be read and construed as if endorsed upon the agreement made on the twenty-third day of July one thousand nine hundred and thirty-seven between the same parties as are parties hereto which was ratified by the National Oil Proprietary Limited Agreement Act 1937 of the Commonwealth and the National Oil Proprietary Limited Agreement Ratification Act 1937 of the State.

WHEREAS it is necessary to vary the said agreement as hereinafter mentioned NOW IT IS HEREBY AGREED as follows:—

1. (a) Notwithstanding the terms of Clause 19 of the said agreement made the twenty-third day of July one thousand nine hundred and thirty-seven that clause and the other parts of that  
agreement

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*Glen Davis.*

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agreement shall be read and construed as if the Fourth Schedule to that agreement contained and had at the date of execution of such agreement contained words excluding from the said Fourth Schedule the lands described in the First Part of the Schedule to this agreement.

(b) The Act of the State ratifying this agreement shall provide accordingly for the revocation of the reservation enacted by Section eight of the National Oil Proprietary Limited Agreement Ratification Act 1937 so far as concerns the land described in the First Part of the Schedule to this agreement.

2. (a) Notwithstanding the provisions of Clause 12 of the said agreement made the twenty-third day of July one thousand nine hundred and thirty-seven and the terms of the Deed of Covenant and Charge dated the twenty-eighth day of March one thousand nine hundred and thirty-nine registered Number 868 Book 1841 made by the Company in favour of the Commonwealth the Prime Minister of the Commonwealth shall have power to release without any consideration the lands described in the Schedule hereto from the provisions of Clause 12 of the said agreement and of the said Deed of Covenant and Charge to the intent that such lands shall cease to be comprised in or subject to such Deed of Covenant and Charge and the Prime Minister may deliver up to the Company all documents of title to any of the said lands.

(b) Notwithstanding the provisions of Clause 12 of the said agreement made the twenty-third day of July one thousand nine hundred and thirty-seven and the terms of the Deed of Covenant and Charge dated the twenty-eighth day of March one thousand nine hundred and thirty-nine registered Number 869 Book 1841 made by the Company in favour of the State the Premier of the State shall have power to release without any consideration the lands described in the Schedule hereto from the provisions of Clause 12 of the said agreement and of the said Deed of Covenant and Charge to the intent that such lands shall cease to be comprised in or subject to such Deed of Covenant and Charge and the Premier may deliver up to the Company all documents of title to any of the said lands.

3. In this agreement unless the context otherwise requires the expressions "Prime Minister" and "Premier" have the same respective meanings as they have in the said agreement dated the twenty-third day of July one thousand nine hundred and thirty-seven.

4. This agreement shall have no force or effect and shall not be binding on any party unless and until it is approved by the Parliaments of the Commonwealth and of the State.

**IN**

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*Glen Davis.*

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IN WITNESS whereof the parties hereto have executed these presents the day and year first above written.

SIGNED SEALED AND DELIVERED by THE  
HONOURABLE HATTIL SPENCER FOLL  
the Minister for the Interior of the  
Commonwealth of Australia for and  
on behalf of the Commonwealth of  
Australia in the presence of: } H. S. FOLL

H. E. STREET.

SIGNED SEALED AND DELIVERED by THE  
HONOURABLE LEWIS ORMSBY MARTIN  
the Minister for Public Works of  
the State of New South Wales for  
and on behalf of the State in the  
presence of: } L. O. MARTIN

R. A. JOHNSON.

THE COMMON SEAL of NATIONAL OIL  
PROPRIETARY LIMITED was hereunto  
affixed by authority of the Board of  
Directors in the presence of: } (L.S.)  
GEO. F. DAVIS  
Director.

V. H. BARR SMITH.

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THE SCHEDULE REFERRED TO.

FIRST PART.

All that piece or parcel of Crown land situate in the Shire of Blaxland, parish of Gindantherie, county of Cook and State of New South Wales, being part of M. L. 25, Lithgow Mining Division:—

Commencing at the south-western corner of portion 2, parish of Gindantherie; and bounded thence on the north by the southern boundary of that portion bearing 89 degrees 53 minutes 30 seconds 16 chains 3.7 links and part of the southern boundary of portion 3 bearing 89 degrees 57 minutes 30 seconds 12 chains 34.2 links; on the east by a line bearing 179 degrees 33 minutes 21 chains 55.8 links; on the south by a line bearing 270 degrees 48 chains 60.7 links to the eastern boundary of portion 7; on the west by part of that boundary bearing 6 minutes 11 chains 38.7 links to the south-western corner of portion 1; again on the north by the southern boundary of that portion, being lines successively bearing 89 degrees 45 minutes 30 seconds 15 chains 5.5 links and 89 degrees 43 minutes 10 seconds 5 chains 0.5 link; and again on the west by part of the eastern boundary of that portion bearing 359 degrees 52 minutes 45 seconds 10 chains 4.5 links to the point of commencement; having an area of 84 acres 34 $\frac{1}{2}$  perches or thereabouts.

SECOND

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*Glen Davis.*


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## SECOND PART.

All that piece or parcel of land, having an area of 107 acres 1 rood 13 perches or thereabouts, situate in the Shire of Blaxland, parish of Gindantherie, county of Cook and State of New South Wales, being part of portions 1, 2 and 3:—

Commencing on the right bank of Capertee River at the north-eastern corner of the said portion 2; and bounded thence on the east by part of the eastern boundary of that portion bearing 179 degrees 52 minutes 45 seconds 21 chains 10.6 links; on the north by lines successively bearing 90 degrees 8 minutes 45 seconds 11 chains 43.6 links, 93 degrees 20 minutes 75.8 links, and 99 degrees 42 minutes 20 seconds 75.8 links; on the south-east by a line bearing 192 degrees 53 minutes 40 seconds 2 chains 87.9 links; on the east by a line bearing 179 degrees 33 minutes 8 chains 79.4 links to the southern boundary of the said portion 3; on the south by part of that boundary and the southern boundary of the said portion 2 bearing 269 degrees 57 minutes 30 seconds 12 chains 34.2 links and 269 degrees 53 minutes 30 seconds 16 chains 3.7 links respectively; again on the east by part of the eastern boundary of the said portion 1 bearing 179 degrees 52 minutes 45 seconds 10 chains 4.5 links to the south-eastern corner of that portion; again on the south by the southern boundary of that portion being lines successively bearing 269 degrees 43 minutes 10 seconds 5 chains 0.5 link and 269 degrees 45 minutes 30 seconds 15 chains 5.5 links; on the west by the western boundary of that portion bearing 360 degrees 20 chains 71.2 links to the right bank of Capertee River aforesaid; and generally on the north, north-west and north-east by that river downwards to the point of commencement; but excluding thereout the road, 2 chains wide and variable width, within the said portions 1, 2 and 3, and having an area of 7 acres 26½ perches or thereabouts, which area has been deducted from the total.

## SECOND SCHEDULE.

## DESCRIPTION.

All that piece or parcel of land situate in the Shire of Blaxland, parish of Gindantherie, county of Cook and State of New South Wales, being portions 1 and 2, part of portion 3 and part of M.L. 25, Lithgow Mining Division:—

Commencing on the right bank of Capertee River at the north-eastern corner of the said portion 2; and bounded thence on the east by part of the eastern boundary of that portion bearing 179 degrees 52 minutes 45 seconds 21 chains 10.6 links; on the north by lines successively bearing 90 degrees 8 minutes 45 seconds 11 chains 43.6 links

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*Glen Davis.*


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links, 93 degrees 20 minutes 75.8 links and 99 degrees 42 minutes 20 seconds 75.8 links; on the south-east by a line bearing 192 degrees 53 minutes 40 seconds 2 chains 87.9 links; on the east by a line bearing 179 degrees 33 minutes 30 chains 35.2 links; on the south by a line bearing 270 degrees 48 chains 60.7 links to the eastern boundary of portion 7; on the west by part of that boundary being lines successively bearing 6 minutes 11 chains 38.7 links and 360 degrees 20 chains 71.2 links to the right bank of Capertee River aforesaid; and generally on the north, north-west and north-east by that river downwards to the point of commencement:—and having an area of 198 acres 2 roods 34 $\frac{1}{4}$  perches or thereabouts.

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 THIRD SCHEDULE.

## DESCRIPTION OF WORK.

Construction of roads, drains and reserves, including survey and design, clearing, excavating, forming, filling, boxing, levelling, graveling, ballasting, metalling, concrete construction, culverting, pipelaying, draining, carpentering, fencing, tree planting, and such other works as may be required in connection therewith.

The whole is subject to such modifications and extensions as may be considered desirable by the **Minister**.

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 FOURTH SCHEDULE.

## DESCRIPTION OF HOTEL SITE.

An area of 2 acres comprising part of portion 2, parish of Gindantherie, county of Cook:—

Commencing within the said portion 2 at a point bearing 320 degrees 48 minutes 40 seconds and distant 1007.8 feet from the south-eastern corner of portion 2 and bounded thence on the south by a line bearing 270 degrees 8 minutes 45 seconds 330 feet; on the west by a line bearing 8 minutes 45 seconds 264 feet; on the north by a line bearing 90 degrees 8 minutes 45 seconds 330 feet; and on the east by a line bearing 180 degrees 8 minutes 45 seconds 264 feet to the point of commencement.

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

WAKEHURST,  
Governor.

*Government House,  
Sydney, 13th November, 1939.*

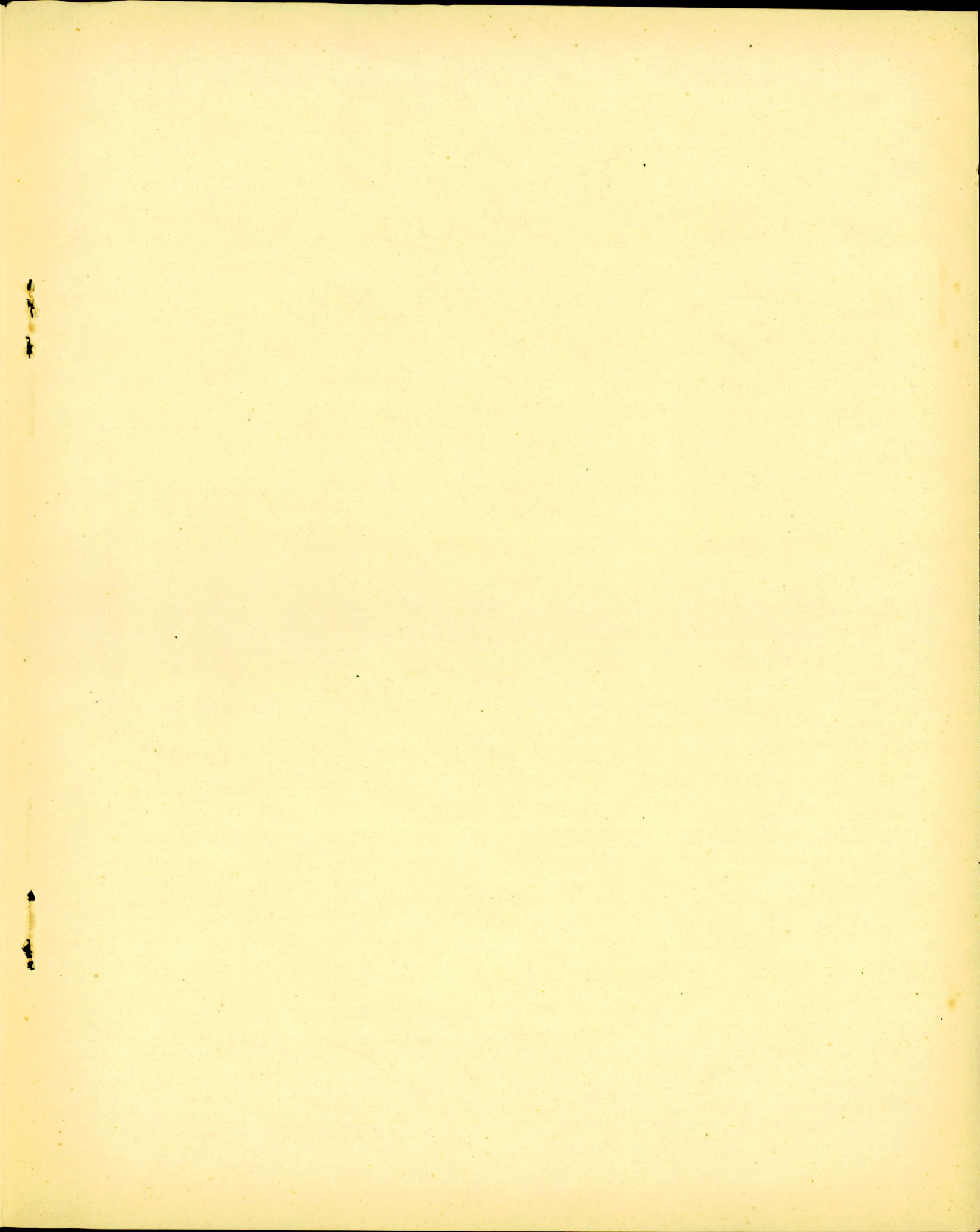
MEMORANDUM

TO: THE BOARD OF TRUSTEES  
FROM: THE PRESIDENT  
SUBJECT: [Illegible text]

[Illegible text]

[Illegible text]

[Illegible text]







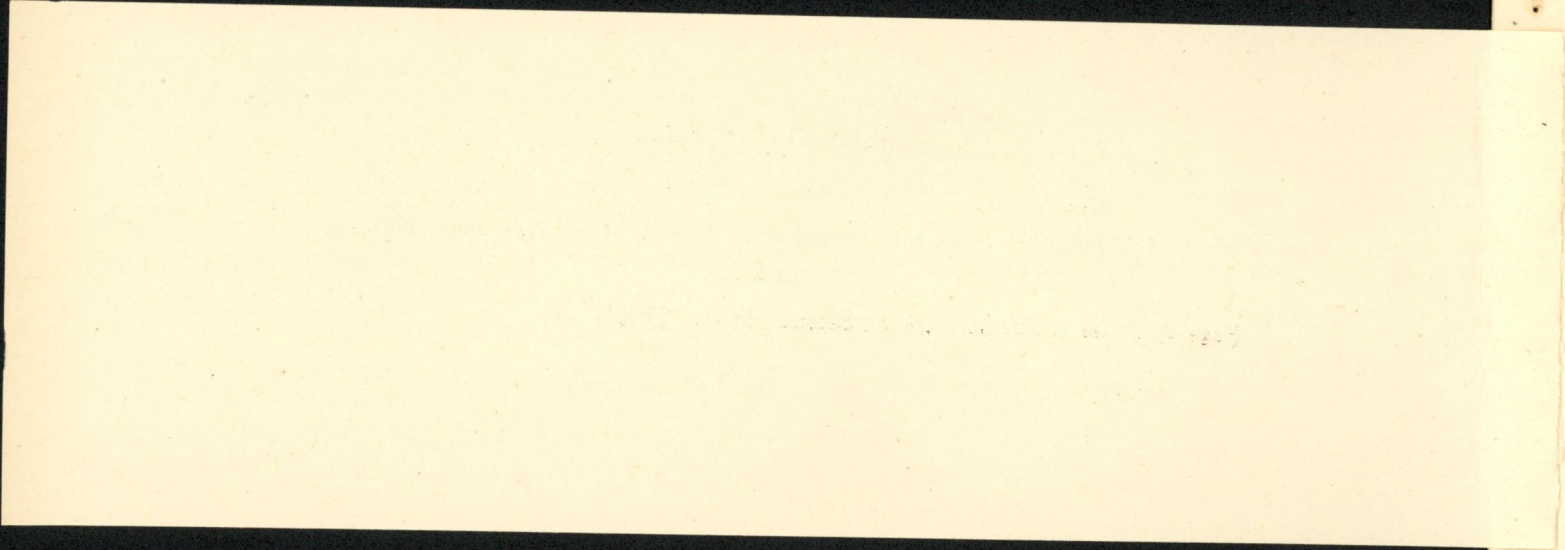
GLEN DAVIS BILL.

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*Schedule of Amendment referred to in Message of 3rd November, 1939.*

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Page 2, clause 1, line 16. *Omit "Second" insert "First"*



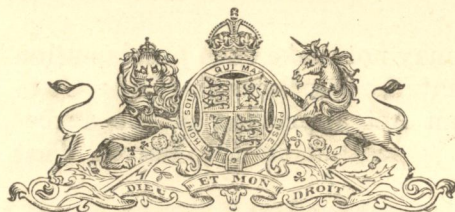
*This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.*

W. R. McCOURT,  
*Clerk of the Legislative Assembly.*  
*Legislative Assembly Chamber,*  
*Sydney, 3 November, 1939.*

*The LEGISLATIVE COUNCIL has this day agreed to this Bill with an Amendment.*

W. K. CHARLTON,  
*Clerk of the Parliaments.*  
*Legislative Council Chamber,*  
*Sydney, 3rd November, 1939.*

## New South Wales.



ANNO TERTIO

# GEORGII VI REGIS.

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Act No. , 1939.

An Act to provide for the planning of the town of Glen Davis; to sanction the construction of certain works at Glen Davis; to approve of a certain agreement made between the Commonwealth of Australia of the first part, the State of New South Wales of the second part, and National Oil Proprietary Limited of the third part; to amend the National Oil Proprietary Limited Agreement Ratification Act, 1937, and certain other Acts in certain respects; and for purposes connected therewith.

29157

326—A

BE

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NOTE.—The words to be omitted are ruled through; those to be inserted are printed in black letter.

*Glen Davis.*

**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:—

## PART I.

## PRELIMINARY.

1. (1) This Act may be cited as the "Glen Davis Act, 1939." Short title and commencement.

10 (2) This Act shall come into force on a day to be fixed by proclamation of the Governor published in the Gazette.

(3) The Governor may not make such proclamation unless he is satisfied that the Parliament of the Commonwealth has passed an Act approving of the agreement a copy of which is set out in the ~~Second~~ **First** Schedule to this Act.

(4) This Act is divided into Parts as follows:—

PART I.—PRELIMINARY.

Division into Parts.

20 PART II.—RATIFICATION OF AGREEMENT.

PART III.—ACQUISITION OF LAND.

PART IV.—AUTHORISATION OF CERTAIN WORKS.

PART V.—PLANNING PROVISIONS.

PART VI.—MISCELLANEOUS.

25 SCHEDULES.

2. In this Act, unless the context or subject matter otherwise indicates or requires— Definitions.

"Council" means council as defined in the Local Government Act.

10 "Local Government Act" means the Local Government Act, 1919, as amended by subsequent Acts.

"Prescribed" means prescribed by this Act or by the regulations.

"Regulations" means regulations made under this Act.

"Road"

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*Glen Davis.*

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“Road” means road, street, lane, highway, path-  
way or thoroughfare, including a bridge, cul-  
vert, causeway, ford, crossing, and the like on  
the line of a road through or over a watercourse.

5

## PART II.

## RATIFICATION OF AGREEMENT.

**3.** In this Part—

Definitions.

10 “The first agreement” means the agreement a copy  
of which is set out in the Schedule to the  
National Oil Proprietary Limited Agreement  
Ratification Act, 1937.

“The second agreement” means the agreement a  
copy of which is set out in the First Schedule to  
this Act.

15 “The Company” means National Oil Proprietary  
Limited.

**4.** (1) The second agreement is hereby approved and  
ratified. Approval of  
agreement.

20 (2) The Moratorium Act, 1932, and any amend-  
ment thereof, shall not apply to the first agreement as  
varied by the second agreement. Exclusion of  
Moratorium  
Act, 1932.

25 (3) The first agreement, as varied by the second  
agreement, shall not require to be registered under Part  
IX of the Companies Act, 1936, or the Bills of Sale Act,  
1898-1938, but without any such registration the first  
agreement, as varied by the second agreement, shall, so  
far as any security on the Company’s property or under-  
taking is thereby conferred, be valid against the  
liquidator or any creditor of the Company. Exclusion of  
Part IX of  
the Com-  
panies Act,  
1936, and  
the Bills of  
Sale Act,  
1898-1938,  
as regards  
the agree-  
ment.

30 **5.** The reservation enacted by section eight of the  
National Oil Proprietary Limited Agreement Ratifica-  
tion Act, 1937, so far as concerns the land described in  
the First Part of the Schedule to the second agreement,  
is hereby revoked. Amendment  
of Act No.  
2, 1937, s. 8.

PART

*Glen Davis.*

## PART III.

## ACQUISITION OF LAND.

**6.** (1) The Minister may, by appropriation or resump-  
 5 tion, acquire the whole or any part of the land described  
 in the Second Schedule to this Act, or any land adjoining  
 the same or adjacent thereto, for the purposes of this  
 Act.

Acquisition  
of land.

(2) Where the Minister proposes to acquire land  
 10 by appropriation or resumption he may make application  
 to the Governor for the purpose.

(3) The Governor may authorise the appropriation  
 or resumption of the land.

(4) Thereupon the Governor may—

**15** (a) appropriate or resume the land by Gazette  
 notification under Division 1 of Part V of the  
 Public Works Act, 1912, as amended by sub-  
 sequent Acts;

(b) notify that the land is vested in the Minister.

**20** (5) Thereupon the land shall vest in the Minister  
 and his successors.

(6) For the purposes of the Public Works Act,  
 1912, as amended by subsequent Acts, such appropriation  
 or resumption shall be deemed to be for the purpose  
 of carrying out an authorised work within the meaning  
**25** of that Act.

**7.** For the purposes of this Part of this Act, but not  
 otherwise, section one hundred and twenty-four of the  
 Public Works Act, 1912, as amended by subsequent Acts,  
 is amended by omitting the words "at the time notice  
**30** was given, or notification published, as the case may  
 be," and by inserting in lieu thereof the words "as at the  
 twenty-third day of July, one thousand nine hundred  
 and thirty-seven."

Amendment  
of Act No.  
45, 1912,  
s. 124.  
cf. Act No.  
28, 1922,  
s. 15.

**8.** Upon the resumption of the land described in the  
**35** Second Part of the Schedule to the agreement, the  
 reserved road referred to in that Schedule shall, by  
 virtue of this section, be closed and the rights, if any,  
 therein of the public or any person shall thereupon be  
 extinguished.

Closing of  
reserved  
road.

In

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*Glen Davis.*


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In this section "the agreement" means the agreement a copy of which is set out in the First Schedule to this Act.

5 **9.** The Minister may surrender to the Crown any land vested in him under this Part. Surrender  
of land to  
the Crown.

The surrender shall be evidenced by an instrument in the prescribed form which shall operate to revest the surrendered land in His Majesty, His Heirs and Successors according to law.

10 The land so becoming vested in His Majesty shall not be available for the purpose of the Crown Lands Consolidation Act, 1913, as amended by subsequent Acts, but shall become so vested to the intent that a Crown grant of any part or parts thereof may be issued to the  
15 Minister or to a nominee of the Minister.

The Registrar-General shall by entry in the register book kept under the Real Property Act, 1900, and, except where production of the same is dispensed with under the provisions of that Act, on the duplicate Crown grant,  
20 certificate of title or other instrument evidencing title to any land so becoming vested in His Majesty, cancel such Crown grant, certificate of title or other instrument.

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**PART IV.**
**AUTHORISATION OF CERTAIN WORKS.**

25 **10.** (1) (a) The carrying out, on land acquired by the Minister under this Act, of the work described in the Third Schedule to this Act, is hereby sanctioned. Work  
sanctioned.

(b) The said work shall be deemed to be an authorised work within the meaning of the Public Works  
30 Act, 1912, as amended by subsequent Acts.

(c)

*Glen Davis.*

(c) The Minister is empowered to carry out the said work, and shall be the constructing authority for the same within the meaning of the said Act as so amended, and shall enter into such contracts and take all such necessary steps for the proper execution thereof as such authority may think proper.

(d) The provisions of the Public Works Act, 1912, as amended by subsequent Acts, sections thirty-four, thirty-five, thirty-six and thirty-seven excepted, shall apply to and in respect of the said work.

(2) Without prejudice to the generality of subsection one of this section the provisions of section thirty-eight of the Public Works Act, 1912, as amended by subsequent Acts, shall apply to and in respect of any contracts referred to in paragraph (c) of subsection one of this section.

**11.** The plan of the said work is the plan marked "Town of Glen Davis" signed by the Minister for Public Works and deposited in the public office of the said Minister.

**12.** The cost of carrying out the said work (exclusive of land resumptions) is estimated at thirty-seven thousand pounds and such estimated cost shall not, under any circumstances, be exceeded by more than ten per centum.

## PART V.

## PLANNING PROVISIONS.

**13.** The Minister may cause a plan or plans to be made in relation to any land acquired by him under this Act, and may in such plan or plans indicate—

(a) the proposed roads and proposed reserves for public recreation or other public purposes, including any roads or any such reserves which are additional to those shown on the plan referred to in section eleven of this Act;

(b)



*Glen Davis.*

(b) the parts of such land which are proposed to be set apart as sites for—

- 5 (i) residences;  
 (ii) shops;  
 (iii) business premises;  
 (iv) other buildings;

(c) the parts of such land which are proposed to be set apart for—

- 10 (i) religious purposes;  
 (ii) charitable purposes;  
 (iii) municipal purposes;  
 (iv) any other public purpose of a like character.

15 **14.** The Governor may, by proclamation published in the Gazette, declare any road constructed by the Minister on land acquired by him under this Act, to be a public road. Dedication of roads.

20 Thereupon such road shall, notwithstanding anything contained in the Local Government Act, be a public road within the meaning of that Act.

**15.** (1) The Minister may, by notification in the Gazette, appoint the council of the area within which any reserve referred to in paragraph (a) of section thirteen of this Act is situate, to be the trustees of such reserve. Trustees of reserves.

25 (2) Upon the publication of such notification the reserve shall be a public reserve within the meaning of the Local Government Act.

30 (3) A Crown grant of the land comprised in any such reserve may, if the Minister so recommends, be issued to the council.

(4) Any Crown grant so issued may confer such estate in the land accompanied by such powers and with such conditions as the Minister may think fit and as may be therein specified.

35 **16.** (1) The Minister may lease any land acquired by him under this Act, subject to such reservations and conditions and for such term as he may think fit. Leases. cf. Act No. 7, 1912, s. 8

(2)

*Glen Davis.*

(2) Every lease made under this section shall be made to take effect in possession not later than three months after its date.

(3) (a) Every lease made under this section shall **5** reserve the best rent that can reasonably be obtained, regard being had to the circumstances of the case.

(b) This subsection shall not apply to or in respect of a lease where, in the opinion of the Minister, the land comprised in the lease is to be used exclusively **10** for charitable, patriotic or other public purposes.

(4) Every lease made under this section shall contain a condition of re-entry on the rent not being paid within a time therein specified, and the covenants implied by section eighty-four of the Conveyancing Act, 1919- **15** 1939, shall not be excluded therefrom.

(5) Every lease made under this section shall be in writing and shall, subject to this section, contain such provisions as the Minister thinks fit and shall include a provision that the land, and buildings (if any), or any **20** part thereof shall not be sublet and the lease shall not be assigned without the leave of the Minister, which leave the Minister may in his absolute discretion grant or withhold.

Lands not to be sublet.

**17.** (1) The Minister may, by public auction or private treaty, sell any land acquired by him under this Act to any person upon such terms and conditions as he may think fit. **25**

Power to sell.

(2) Without prejudice to the generality of subsection one of this section the conditions of any such sale **30** may include—

cf. Act No. 7, 1913, s. 142 (6).

(a) a condition that the land shall not be used for any purpose other than a specified purpose;

(b) a condition that the land shall not be subdivided without the consent in writing of the Minister;

**35** (c) a condition that a building of a specified character or class only shall be erected on the land and/or that a building of a specified character or class shall be erected on the land within a specified time;

**40** (d) a condition providing for the forfeiture of the land upon breach of any specified condition;

(e)

*Glen Davis.*

(e) any other condition which the Minister considers necessary for the carrying out of the objects and purposes of this Act.

5 (3) The conditions referred to in paragraphs (a), (b), (c) and (d) of subsection two of this section are in this Part referred to as "special conditions."

(4) Subject to the provisions of this Part of this Act a special condition—

10 (a) shall bind the land to which the special condition relates;

(b) shall not cease to bind such land after a Crown grant thereof has issued.

15 18. (1) In the event of the breach or non-observance of any of the terms or conditions contained in a contract for the sale of any land made under this Part of this Act, it shall be lawful for the Minister, by notification published in the Gazette, to declare the contract to be rescinded and thereupon the contract shall be rescinded and all moneys paid to the Minister thereunder shall be 20 forfeited.

Breach of conditions in contract of sale.

The rescission shall not operate to extinguish the obligation to pay any moneys which are due and payable to the Minister at the date of the notification.

25 (2) The acceptance by or on behalf of the Minister of any moneys payable to him under the contract shall not be held to operate as a waiver of the breach or non-observance of any term or condition contained in the contract.

Forfeiture—acceptance of moneys no waiver. cf. Act No. 7, 1913, s. 207.

30 19. (1) Where the terms and conditions of the sale of any land under this Part of this Act have been duly complied with the Governor shall issue a Crown grant of the land in or to the effect of the prescribed form to the person entitled to such land, his heirs and assigns forever.

Governor to issue Crown grant.

35 (2) Any Crown grant so issued shall—

(a) contain a reservation of all minerals in such land, such minerals to be those defined by or under

*Glen Davis.*

under the Mining Act, 1906, and any Act amend-  
ing or replacing the same, and such other  
reservations and exceptions as may by the  
Governor be deemed expedient in the public  
interest; and

(b) contain the special conditions which, under this  
Part of this Act, bind the land after the issue  
of the Crown grant.

**20.** (1) Where a Crown grant becomes liable to be Forfeiture.  
forfeited under this Act such forfeiture may be declared  
by the Minister by notification published in the Gazette.

(2) Where a Crown grant is forfeited pursuant  
to this section the Registrar-General may, upon the  
application of the Minister and upon production of the  
Gazette notification declaring such forfeiture, make every  
such entry, cancellation and correction in the register  
book as shall appear to the Registrar-General to be  
necessary or proper.

**21.** (1) Where a contract for sale is rescinded pur- Effect of  
suant to section eighteen of this Act the land to which cancellation  
the contract related may be disposed of by the Minister of contract  
under this Part. and for-  
feiture of  
grant.

(2) Where a Crown grant is forfeited pursuant  
to section twenty of this Act the land comprised in the  
grant shall revert in His Majesty, His Heirs and Suc-  
cessors according to law.

The land so revested in His Majesty shall not be avail-  
able for the purposes of the Crown Lands Consolidation  
Act, 1913, as amended by subsequent Acts, but shall be  
so revested to the intent that a Crown grant thereof or  
of any part thereof may be issued to the Minister or to  
a nominee of the Minister.

Lands so revested in His Majesty may be disposed  
of by the Minister under this Part.

**22.** (1) Where the Minister is satisfied that, having Variation of  
regard to the circumstances of the case, it is just and special  
reasonable so to do, he may, by instrument under his conditions.  
official

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*Glen Davis.*

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official seal, cancel or vary any special condition which binds any land either before or after the issue of a Crown grant of such land.

5 (2) The instrument shall be in or to the effect of the prescribed form.

(3) A special condition binding any land shall not be cancelled or varied under this section except with the consent of the owner of the land.

10 (4) Where a special condition binding any land either before or after a Crown grant of such land has been issued, is varied under this section the provisions of subsection four of section seventeen of this Act shall apply to and in respect of the special condition as so varied.

15 (5) Where a special condition binding on any land after a Crown grant of such land has been issued is cancelled or varied under this section, the Registrar-General may make every such entry, cancellation and correction in the register book as shall appear to the  
20 Registrar-General to be necessary or proper to give effect to the instrument by which such special condition is cancelled or varied.

**23.** (1) A Crown grant of any land acquired by the Minister under this Act may, upon the recommendation  
25 of the Minister, be issued to such person or body of persons as he may nominate for the purpose, as a site to be used for religious, charitable or municipal purposes or other public purposes of a like character.

Grants for charitable and municipal purposes.

30 (2) Any Crown grant issued under this section shall contain—

(a) the reservation of minerals referred to in paragraph (a) of subsection two of section nineteen of this Act and such other reservations and exceptions as may, by the Governor, be deemed  
35 expedient in the public interest; and

(b) a condition binding the land, which shall be a special condition within the meaning of this Act, for the erection within a specified time of a building according to plans and specifications  
40 approved by the Minister; and

(c)

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*Glen Davis.*

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- (c) a condition binding the land, which shall be a special condition within the meaning of this Act, providing that the land shall not be used for purposes other than those specified; and
- 5 (d) a condition of forfeiture on the breach or non-observance of any specified condition, being a condition referred to in paragraph (a) or paragraph (b) or paragraph (c) of this subsection.
- 10 **24.** (1) As soon as practicable after the commencement of this Act a Crown grant of the lands described in the Fourth Schedule to this Act shall be issued to William Joseph Lees of Mount Victoria, licensed publican, his heirs and successors forever. Crown grant of hotel site.
- 15 (2) The Crown grant issued under this section shall contain—
- (a) the reservation of minerals referred to in paragraph (a) of subsection two of section nineteen of this Act, and such other reservations and exceptions as may, by the Governor, be
- 20 deemed expedient in the public interest;
- (b) a condition binding the land, which shall be a special condition within the meaning of this Act, for the construction, within twelve months after
- 25 the date of the Crown grant, upon the lands thereby granted, of buildings in accordance with the plans and information lodged with the licensing court for the Hartley licensing district held at Lithgow on the twenty-eighth day
- 30 of September, one thousand nine hundred and thirty-nine, in connection with an application by Edith Mary Gardiner the licensee of the Mount Victoria Hotel situated at Mount Victoria in the said licensing district for the conditional
- 35 removal of such license to premises proposed to be erected at Glen Davis in the said licensing district upon the lands described in such application;

(c)

*Glen Davis.*

- 5 (c) a condition binding the land, which shall be a special condition within the meaning of this Act, providing that the land shall not, after a specified date, be used for any purpose other than as licensed premises in respect of which a publican's license is held;
- (d) a condition of forfeiture—
- 10 (i) on the breach or non-observance of any specified condition being a condition referred to in paragraph (a) of this subsection; or
- (ii) on the breach or non-observance of any condition referred to in paragraph (b) or paragraph (c) of this subsection; or
- 15 (iii) in the event of the land ceasing to be premises in respect of which a publican's license is held.

**25.** The Minister may—

- 20 (a) remit any part of the amount due under any contract for the sale of land under this Part of this Act;
- (b) extend the period provided in any such contract for the payment of any purchase money.

Power to remit amounts and extend times.

- 25 **26.** (1) Where, by virtue of this Act or of the operation of any instrument made or executed under this Act, the Minister is entitled to the possession of any land and the person in the occupation or use of such land, or any other person, refuses to give up possession thereof or hinders the Minister from entering upon or
- 30 taking possession of the same, the Minister may issue a warrant to the Sheriff to deliver possession of the same to the person appointed in such warrant to receive the same.

Remedies. cf. Act No. 45, 1912, s. 65.

- 35 (2) Upon the receipt of such warrant the Sheriff shall deliver possession of such lands accordingly and the cost accruing by reason of the issuing and execution of such warrant to be settled by the Sheriff shall be paid by the person refusing to give possession.

*Glen Davis.*

## PART VI.

## MISCELLANEOUS.

**27.** (1) For the purpose of facilitating the acquisition and disposal of land under this Act the Minister shall be a corporation sole under the name of "the Minister" and by that name shall have perpetual succession and an official seal and may sue and be sued in his corporate name and shall, for the purposes and subject to the provisions of this Act, be capable of purchasing, holding, granting, demising, disposing of or otherwise dealing with real and personal property, and of doing and suffering all such acts and things as bodies corporate may by law do and suffer.

Minister a  
body  
corporate.  
cf. Act No.  
7, 1912,  
s. 3.

(2) All courts and persons having by law or consent of parties authority to hear, receive, and examine evidence—

- (a) shall take judicial notice of the official seal of the corporation sole affixed to any document; and
- (b) shall, until the contrary be proved, presume that such seal was properly affixed thereto.

**28.** As soon as practicable after the thirtieth day of June in each year the Minister shall prepare and lay before both Houses of Parliament a statement for the year ending on that date, showing—

Statement  
for  
Parliament.

- (a) the moneys expended during such year under this Act in acquiring land and in carrying out any works on such land;
- (b) the rentals contracted for, the amount of rent received and of arrears outstanding;
- (c) the area of land appropriated and resumed under this Act and the value of such land;
- (d) the area of land sold under this Act and the consideration for each sale;
- (e) such other matters as are necessary for the survey of the Minister's operations under this Act for the year.

**29.**



*Glen Davis.*

**29.** Notwithstanding anything contained in the Liquor Act, 1912, or any other Act, an application to a licensing court—

Removal of publican's license.

- 5 (a) for the grant of a spirit merchant's license for premises situated within the boundaries of any land acquired by the Minister under this Act (except the land described in the Fourth Schedule to this Act) or within a distance of one mile from any of such boundaries; or
- 10 (b) for the removal of a publican's license, spirit merchant's license or Australian wine license to any premises situated as aforesaid; or
- 15 (c) for an order conditionally granting the removal of a publican's license to any premises situated as aforesaid,

shall not be entertained by the licensing court unless the Minister has consented in writing to the making of the application.

- 30.** (1) Notwithstanding anything contained in the Local Government Act the Governor may, by proclamation published in the Gazette, declare that the whole or any part of any land theretofore acquired by the Minister under this Act, together with such other lands (if any) as the Governor may think fit, shall, as from a date appointed in the proclamation, be constituted as a municipality within the meaning of the Local Government Act.

Constitution of municipality.

The corporate name of such municipality shall be "The Council of the Municipality of Glen Davis."

- 30 (2) The Governor may, in and by the proclamation, appoint an administrator of such municipality.

- (3) The Governor may, by such proclamation, or by any subsequent proclamation made by him from time to time and published in the Gazette, declare that until
- 35 the first election of aldermen of the municipality is held all or any of the provisions of the Local Government Act or of any other Act as specified in the proclamation, in so far as they apply to a municipality or to the council thereof or to the area of a municipality, shall not apply
- 40 to or in respect of the municipality constituted under this section.

(4)

*Glen Davis.*

(4) Upon the date appointed in the proclamation under subsection one of this section—

- (a) the lands so constituted a municipality shall cease to be a part of the Shire of Blaxland;
- 5 (b) the council of such shire shall be deemed to be the council of that shire as altered by the taking away of such lands; and
- (c) no reconstitution of the council or the area of the Shire of Blaxland shall be necessary.

10 (5) An administrator appointed under this section shall have the powers, duties and liabilities of a council, and shall be paid out of the general fund of the municipality such salary as the Governor may determine.

15 (6) The Governor may, by proclamation published in the Gazette, appoint a date upon which the first election of aldermen of the municipality shall be held.

(7) An administrator appointed by the Governor under this section may be removed by the Governor by proclamation published in the Gazette, and the Governor 20 may, in like manner, appoint another administrator in his stead.

(8) An administrator appointed under this section shall cease to hold office as such upon the date upon which the first election of aldermen of the municipality is held.

25 **31.** No compensation shall be payable to any person or body of persons, corporate or unincorporate, in respect of the appropriation or resumption under this Act of any of the lands described in the Second Schedule to this Act.

No compensation payable on certain resumptions.

30 **32.** Any person who contravenes or fails to comply with any special condition contained in any contract of sale made under this Act or in a Crown grant issued under this Act, shall be liable, upon summary conviction, to a penalty not exceeding twenty pounds, and where the contravention or failure is a continuing one, to a 35 penalty not exceeding two pounds for each day during which such contravention or failure continues.

Penalty.

**33.** (1) The Governor may make regulations not inconsistent with this Act prescribing all matters which by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

Regulations.

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(2) The regulations may impose a penalty not exceeding fifty pounds for any breach thereof.

(3) The regulations shall—

- 5 (a) be published in the Gazette;
- (b) take effect from the date of publication or from a later date to be specified in the regulations; and
- 10 (c) be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is in session and if not then within fourteen sitting days after the commencement of the next session.

(4) If either House of Parliament passes a resolution of which notice has been given at any time within 15 fifteen sitting days after such regulation has been laid before such House disallowing any regulation or part thereof such regulation or part shall thereupon cease to have effect.

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**SCHEDULES.****FIRST SCHEDULE.**

20 MEMORANDUM OF AGREEMENT made the twenty-fifth day of October one thousand nine hundred and thirty-nine BETWEEN THE COMMONWEALTH OF AUSTRALIA (hereinafter called "the Commonwealth") of the first part THE STATE OF NEW SOUTH WALES (hereinafter called "the State") of the second part and NATIONAL OIL PROPRIETARY LIMITED (hereinafter called "the Company") of the third part and intended to be read and construed as if endorsed upon the agreement made on the twenty-third day of July one thousand nine hundred and thirty-seven between the same parties as are parties hereto which was ratified by the National Oil Proprietary Limited Agreement Act 1937 of the Commonwealth and the National Oil Proprietary Limited Agreement Ratification Act 1937 of the State.

35 WHEREAS it is necessary to vary the said agreement as hereinafter mentioned NOW IT IS HEREBY AGREED as follows:—

1. (a) Notwithstanding the terms of Clause 19 of the said agreement made the twenty-third day of July one thousand nine hundred and thirty-seven that clause and the other parts of that

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5 agreement shall be read and construed as if the Fourth Schedule to that agreement contained and had at the date of execution of such agreement contained words excluding from the said Fourth Schedule the lands described in the First Part of the Schedule to this agreement.

10 (b) The Act of the State ratifying this agreement shall provide accordingly for the revocation of the reservation enacted by Section eight of the National Oil Proprietary Limited Agreement Ratification Act 1937 so far as concerns the land described in the First Part of the Schedule to this agreement.

15 2. (a) Notwithstanding the provisions of Clause 12 of the said agreement made the twenty-third day of July one thousand nine hundred and thirty-seven and the terms of the Deed of Covenant and Charge dated the twenty-eighth day of March one thousand  
20 nine hundred and thirty-nine registered Number 868 Book 1841 made by the Company in favour of the Commonwealth the Prime Minister of the Commonwealth shall have power to release without any consideration the lands described in the Schedule hereto from the provisions of Clause 12 of the said agreement and of the said Deed of Covenant and Charge to the intent that such lands shall cease to be comprised in or subject to such Deed of Covenant and Charge and the Prime Minister may deliver up to the Company all documents of title to any of the said lands.

25 (b) Notwithstanding the provisions of Clause 12 of the said agreement made the twenty-third day of July one thousand nine hundred and thirty-seven and the terms of the Deed of Covenant and Charge dated the twenty-eighth day of March one thousand nine hundred and thirty-nine registered Number 869  
30 Book 1841 made by the Company in favour of the State the Premier of the State shall have power to release without any consideration the lands described in the Schedule hereto from the provisions of Clause 12 of the said agreement and of the said Deed of Covenant and Charge to the intent that such lands shall cease to be comprised in or subject to such Deed of Covenant and Charge and the Premier may deliver up to the Company all  
35 documents of title to any of the said lands.

40 3. In this agreement unless the context otherwise requires the expressions "Prime Minister" and "Premier" have the same respective meanings as they have in the said agreement dated the twenty-third day of July one thousand nine hundred and thirty-seven.

4. This agreement shall have no force or effect and shall not be binding on any party unless and until it is approved by the Parliaments of the Commonwealth and of the State.

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IN WITNESS whereof the parties hereto have executed these presents the day and year first above written.

5 SIGNED SEALED AND DELIVERED by THE  
HONOURABLE HATTIL SPENCER FOLL  
the Minister for the Interior of the  
Commonwealth of Australia for and  
on behalf of the Commonwealth of  
Australia in the presence of: } H. S. FOLL

H. E. STREET.

10 SIGNED SEALED AND DELIVERED by THE  
HONOURABLE LEWIS ORMSBY MARTIN  
the Minister for Public Works of  
the State of New South Wales for  
and on behalf of the State in the  
15 presence of: } L. O. MARTIN

R. A. JOHNSON.

20 THE COMMON SEAL of NATIONAL OIL  
PROPRIETARY LIMITED was hereunto  
affixed by authority of the Board of  
Directors in the presence of: } GEO. F. DAVIS  
(L.S.)  
Director.

V. H. BARR SMITH.

## THE SCHEDULE REFERRED TO.

## FIRST PART.

25 All that piece or parcel of Crown land situate in the Shire of  
Blaxland, parish of Gindantherie, county of Cook and State of New  
South Wales, being part of M. L. 25, Lithgow Mining Division:—  
Commencing at the south-western corner of portion 2, parish of  
Gindantherie; and bounded thence on the north by the southern  
boundary of that portion bearing 89 degrees 53 minutes 30 seconds  
30 16 chains 3.7 links and part of the southern boundary of portion  
3 bearing 89 degrees 57 minutes 30 seconds 12 chains 34.2 links;  
on the east by a line bearing 179 degrees 33 minutes 21 chains  
55.8 links; on the south by a line bearing 270 degrees 48 chains 60.7  
links to the eastern boundary of portion 7; on the west by part of  
35 that boundary bearing 6 minutes 11 chains 38.7 links to the south-  
western corner of portion 1; again on the north by the southern  
boundary of that portion, being lines successively bearing 89 degrees  
45 minutes 30 seconds 15 chains 5.5 links and 89 degrees 43 minutes  
10 seconds 5 chains 0.5 link; and again on the west by part of the  
40 eastern boundary of that portion bearing 359 degrees 52 minutes  
45 seconds 10 chains 4.5 links to the point of commencement; having  
an area of 84 acres 34 $\frac{1}{2}$  perches or thereabouts.

SECOND

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## SECOND PART.

All that piece or parcel of land, having an area of 107 acres 1 rood 13 perches or thereabouts, situate in the Shire of Blaxland, parish of Gindantherie, county of Cook and State of New South Wales, being part of portions 1, 2 and 3:—

Commencing on the right bank of Capertee River at the north-eastern corner of the said portion 2; and bounded thence on the east by part of the eastern boundary of that portion bearing 179 degrees 52 minutes 45 seconds 21 chains 10.6 links; on the north by lines successively bearing 90 degrees 8 minutes 45 seconds 11 chains 43.6 links, 93 degrees 20 minutes 75.8 links, and 99 degrees 42 minutes 20 seconds 75.8 links; on the south-east by a line bearing 192 degrees 53 minutes 40 seconds 2 chains 87.9 links; on the east by a line bearing 179 degrees 33 minutes 8 chains 79.4 links to the southern boundary of the said portion 3; on the south by part of that boundary and the southern boundary of the said portion 2 bearing 269 degrees 57 minutes 30 seconds 12 chains 34.2 links and 269 degrees 53 minutes 30 seconds 16 chains 3.7 links respectively; again on the east by part of the eastern boundary of the said portion 20 1 bearing 179 degrees 52 minutes 45 seconds 10 chains 4.5 links to the south-eastern corner of that portion; again on the south by the southern boundary of that portion being lines successively bearing 269 degrees 43 minutes 10 seconds 5 chains 0.5 link and 269 degrees 45 minutes 30 seconds 15 chains 5.5 links; on the west 25 by the western boundary of that portion bearing 360 degrees 20 chains 71.2 links to the right bank of Capertee River aforesaid; and generally on the north, north-west and north-east by that river downwards to the point of commencement; but excluding thereout the road, 2 chains wide and variable width, within the said portions 30 1, 2 and 3, and having an area of 7 acres 26½ perches or thereabouts, which area has been deducted from the total.

## SECOND SCHEDULE.

## DESCRIPTION.

All that piece or parcel of land situate in the Shire of Blaxland, 35 parish of Gindantherie, county of Cook and State of New South Wales, being portions 1 and 2, part of portion 3 and part of M.L. 25, Lithgow Mining Division:—

Commencing on the right bank of Capertee River at the north-eastern corner of the said portion 2; and bounded thence on the east 40 by part of the eastern boundary of that portion bearing 179 degrees 52 minutes 45 seconds 21 chains 10.6 links; on the north by lines successively bearing 90 degrees 8 minutes 45 seconds 11 chains 43.6 links

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links, 93 degrees 20 minutes 75.8 links and 99 degrees 42 minutes 20 seconds 75.8 links; on the south-east by a line bearing 192 degrees 53 minutes 40 seconds 2 chains 87.9 links; on the east by a line bearing 179 degrees 33 minutes 30 chains 35.2 links; on the south  
 5 by a line bearing 270 degrees 48 chains 60.7 links to the eastern boundary of portion 7; on the west by part of that boundary being lines successively bearing 6 minutes 11 chains 38.7 links and 360 degrees 20 chains 71.2 links to the right bank of Capertee River aforesaid; and generally on the north, north-west and north-east by  
 10 that river downwards to the point of commencement:—and having an area of 198 acres 2 roods 34¼ perches or thereabouts.

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 THIRD SCHEDULE.

## DESCRIPTION OF WORK.

Construction of roads, drains and reserves, including survey and  
 15 design, clearing, excavating, forming, filling, boxing, levelling, gravel-ling, ballasting, metalling, concrete construction, culverting, pipe-laying, draining, carpentering, fencing, tree planting, and such other works as may be required in connection therewith.

The whole is subject to such modifications and extensions as may be  
 20 considered desirable by the Minister.

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 FOURTH SCHEDULE.

## DESCRIPTION OF HOTEL SITE.

An area of 2 acres comprising part of portion 2, parish of Gindantherie, county of Cook:—

25 Commencing within the said portion 2 at a point bearing 320 degrees 48 minutes 40 seconds and distant 1007.8 feet from the south-eastern corner of portion 2 and bounded thence on the south by a line bearing 270 degrees 8 minutes 45 seconds 330 feet; on the west by a line bearing 8 minutes 45 seconds 264 feet; on the north by a line bearing  
 30 90 degrees 8 minutes 45 seconds 330 feet; and on the east by a line bearing 180 degrees 8 minutes 45 seconds 264 feet to the point of commencement.

