

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.

R. E. WARD,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 25 March, 1975.*

New South Wales



ANNO VICESIMO QUARTO

ELIZABETHÆ II REGINÆ

Act No. 24, 1975.

An Act to authorise the appointment of Moss Vale Services Club Ltd. as trustee of certain land in place of Wingecarribee Shire Council; to empower that Club to mortgage the land; and for purposes connected therewith.
[Assented to, 14th April, 1975.]

BE

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

H. G. COATES,
Acting Chairman of Committees of the Legislative Assembly.

Moss Vale Services Club.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

Short title. **1.** This Act may be cited as the "Moss Vale Services Club Act, 1975".

**Interpre-
tation.**

2. In this Act—

"Club" means Moss Vale Services Club Ltd. ;

"Council" means the council of the shire of Wingecarribee ;

"land" means the land described in the Schedule.

**Council may
appoint
Club as
trustee
of land.**

3. (1) The Council may, under section 6 of the Trustee Act, 1925, appoint the Club in its place as trustee for the trust property that is the land.

(2) Subsection (1) has effect—

(a) subject to section 6 (2) (d) of the Trustee Act, 1925 ;

(b) notwithstanding section 6 (4) of that Act ; and

(c) notwithstanding anything in any instrument whereby the land became trust property.

**Power to
mortgage
and powers
of
mortgagee.**

4. (1) Subsections (2), (3) and (4) do not have effect unless the Club is, under section 3, appointed as trustee in place of the Council.

(2)

Moss Vale Services Club.

(2) Conveyance dated 30th March, 1922, from Violet Bennett to the Council of the Municipality of Moss Vale, registered number 697 book 1257, shall be construed—

- (a) as if the words “and with full powers to manage and control the same and to lease from time to time any such buildings for such purposes as the said Council shall approve and to devote any revenue derived from such leasing to the upkeep repairs and improvements of such buildings and grounds” had been omitted therefrom; and
- (b) as if the buildings to which the trusts declared by that conveyance extend included any buildings situated on the land at, or erected on the land after, the commencement of this Act and used for the accommodation of the members of the Club and their guests and for the accommodation of the Moss Vale Sub-branch of the Returned Services League of Australia (New South Wales Branch).

(3) The Club may, notwithstanding the trusts declared by the conveyance referred to in subsection (2), mortgage the land with or without other land of the Club.

(4) If the Club mortgages the land under subsection (3), the land is freed and discharged from the trusts referred to in subsection (3) if—

- (a) an instrument that gives effect to the exercise by the mortgagee of any of his powers is registered under the Registration of Deeds Act, 1897, or recorded in the Register kept under the Real Property Act, 1900;
- (b) an order for foreclosure in respect of the land is registered under the Registration of Deeds Act, 1897;
- (c) a person other than the Club becomes registered as proprietor of the land pursuant to section 101 (2) of the Conveyancing Act, 1919; or

(d)

Moss Vale Services Club.

(d) the estate and interest of the Club in the land becomes vested in the mortgagee pursuant to section 62 (2) of the Real Property Act, 1900.

Caveat
against
dealings
with the
land.

5. (1) This section does not have effect unless the land is brought under the provisions of the Real Property Act, 1900.

(2) To the extent to which any caveat recorded by the Registrar-General in the Register kept under the Real Property Act, 1900, forbids registration of a dealing inconsistent with the trusts referred to in section 4 (3), the caveat—

- (a) does not operate to prevent—
- (i) the registration of a mortgage given pursuant to section 4 (3);
 - (ii) the registration of an instrument referred to in section 4 (4) (a);
 - (iii) the registration of a person as proprietor pursuant to section 101 (2) of the Conveyancing Act, 1919; or
 - (iv) the recording of an order referred to in section 62 (2) of the Real Property Act, 1900; and
- (b) shall be withdrawn by the Registrar-General upon any registration or recording referred to in paragraph (a) (ii), (iii) or (iv) taking effect.

Sec. 2.

SCHEDULE

ALL THAT piece or parcel of land situate at Moss Vale in the Shire of Wingecarribee parish of Bong Bong county of Camden being Lot 1 in Deposited Plan 562554.

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

L. W. STREET,
Lieutenant-Governor.

Government House,
Sydney, 14th April, 1975.

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.

R. E. WARD,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney 20 March, 1975.*

New South Wales



ANNO VICESIMO QUARTO

ELIZABETHÆ II REGINÆ

Act No. , 1975.

An Act to authorise the appointment of Moss Vale Services Club Ltd. as trustee of certain land in place of Wingecarribee Shire Council; to empower that Club to mortgage the land; and for purposes connected therewith.

BE

Moss Vale Services Club.

BE it enacted by the Queen's Most Excellent Majesty, by
and with the advice and consent of the Legislative
Council and Legislative Assembly of New South Wales in
Parliament assembled, and by the authority of the same, as
5 follows :—

1. This Act may be cited as the "Moss Vale Services Club Short title.
Act, 1975".

2. In this Act—

Interpre-
tation.

"Club" means Moss Vale Services Club Ltd. ;

10 "Council" means the council of the shire of
Wingecarribee ;

"land" means the land described in the Schedule.

3. (1) The Council may, under section 6 of the Trustee Council may
Act, 1925, appoint the Club in its place as trustee for the trust appoint
15 property that is the land. Club as
trustee
of land.

(2) Subsection (1) has effect—

(a) subject to section 6 (2) (d) of the Trustee Act,
1925 ;

(b) notwithstanding section 6 (4) of that Act ; and

20 (c) notwithstanding anything in any instrument whereby
the land became trust property.

4. (1) Subsections (2), (3) and (4) do not have effect unless the Club is, under section 3, appointed as trustee in
place of the Council. Power to
mortgage
and powers
of
mortgagee.

(2)

Moss Vale Services Club.

(2) Conveyance dated 30th March, 1922, from Violet Bennett to the Council of the Municipality of Moss Vale, registered number 697 book 1257, shall be construed—

- 5 (a) as if the words “and with full powers to manage and control the same and to lease from time to time any such buildings for such purposes as the said Council shall approve and to devote any revenue derived from such leasing to the upkeep repairs and improvements of such buildings and grounds” had
10 been omitted therefrom; and
- 15 (b) as if the buildings to which the trusts declared by that conveyance extend included any buildings situated on the land at, or erected on the land after, the commencement of this Act and used for the accommodation of the members of the Club and their guests and for the accommodation of the Moss Vale Sub-branch of the Returned Services League of Australia (New South Wales Branch).

(3) The Club may, notwithstanding the trusts declared
20 by the conveyance referred to in subsection (2), mortgage the land with or without other land of the Club.

(4) If the Club mortgages the land under subsection (3), the land is freed and discharged from the trusts referred to in subsection (3) if—

- 25 (a) an instrument that gives effect to the exercise by the mortgagee of any of his powers is registered under the Registration of Deeds Act, 1897, or recorded in the Register kept under the Real Property Act, 1900;
- 30 (b) an order for foreclosure in respect of the land is registered under the Registration of Deeds Act, 1897;
- 35 (c) a person other than the Club becomes registered as proprietor of the land pursuant to section 101 (2) of the Conveyancing Act, 1919; or
- (d)

Moss Vale Services Club.

(d) the estate and interest of the Club in the land becomes vested in the mortgagee pursuant to section 62 (2) of the Real Property Act, 1900.

5 **5.** (1) This section does not have effect unless the land is brought under the provisions of the Real Property Act, 1900.

Caveat
against
dealings
with the
land.

(2) To the extent to which any caveat recorded by the Registrar-General in the Register kept under the Real Property Act, 1900, forbids registration of a dealing inconsistent with the trusts referred to in section 4 (3), the
10 caveat—

(a) does not operate to prevent—

- (i) the registration of a mortgage given pursuant to section 4 (3);
- 15 (ii) the registration of an instrument referred to in section 4 (4) (a);
- (iii) the registration of a person as proprietor pursuant to section 101 (2) of the Conveyancing Act, 1919; or
- 20 (iv) the recording of an order referred to in section 62 (2) of the Real Property Act, 1900; and

(b) shall be withdrawn by the Registrar-General upon any registration or recording referred to in paragraph (a) (ii), (iii) or (iv) taking effect.

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SCHEDULE

Sec. 2.

ALL THAT piece or parcel of land situate at Moss Vale in the Shire of Wingecarribee parish of Bong Bong county of Camden being Lot 1 in Deposited Plan 562554.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1975

[8c]

No. , 1975.

A BILL

To authorise the appointment of Moss Vale Services Club Ltd. as trustee of certain land in place of Wingecarribee Shire Council; to empower that Club to mortgage the land; and for purposes connected therewith.

[MR LEWIS—18 *March*, 1975.]

BE

Moss Vale Services Club.

5 **B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the "Moss Vale Services Club Short title. Act, 1975".

2. In this Act—

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tation.

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10 "Council" means the council of the shire of Wingecarribee ;

"land" means the land described in the Schedule.

15 3. (1) The Council may, under section 6 of the Trustee Act, 1925, appoint the Club in its place as trustee for the trust property that is the land.

Council may
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(2) Subsection (1) has effect—

(a) subject to section 6 (2) (d) of the Trustee Act, 1925 ;

(b) notwithstanding section 6 (4) of that Act ; and

20 (c) notwithstanding anything in any instrument whereby the land became trust property.

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10 been omitted therefrom; and
- (b) as if the buildings to which the trusts declared by that conveyance extend included any buildings
15 situated on the land at, or erected on the land after, the commencement of this Act and used for the accommodation of the members of the Club and their guests and for the accommodation of the Moss Vale Sub-branch of the Returned Services League of Australia (New South Wales Branch).

(3) The Club may, notwithstanding the trusts declared
20 by the conveyance referred to in subsection (2), mortgage the land with or without other land of the Club.

(4) If the Club mortgages the land under subsection (3), the land is freed and discharged from the trusts referred to in subsection (3) if—

- 25 (a) an instrument that gives effect to the exercise by the mortgagee of any of his powers is registered under the Registration of Deeds Act, 1897, or recorded in the Register kept under the Real Property Act, 1900;
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- (c) a person other than the Club becomes registered as proprietor of the land pursuant to section 101 (2)
35 of the Conveyancing Act, 1919; or

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Moss Vale Services Club.

(d) the estate and interest of the Club in the land becomes vested in the mortgagee pursuant to section 62 (2) of the Real Property Act, 1900.

5 5. (1) This section does not have effect unless the land is brought under the provisions of the Real Property Act, 1900. Caveat against dealings with the land.

(2) To the extent to which any caveat recorded by the Registrar-General in the Register kept under the Real Property Act, 1900, forbids registration of a dealing inconsistent with the trusts referred to in section 4 (3), the
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[8c]

PROOF

MOSS VALE SERVICES CLUB BILL, 1975

EXPLANATORY NOTE

THE objects of this Bill are—

- (a) to enable the council of the Shire of Wingecarribee to appoint Moss Vale Services Club Ltd. in its place as trustee of certain land occupied by the club under a lease from the council;
 - (b) to enable Moss Vale Services Club Ltd. to mortgage the land when it becomes trustee thereof in order that it might extend the club premises across the boundary with adjoining land owned by the club;
 - (c) to make other provisions of an ancillary or consequential nature.
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PROOF

No. , 1975.

A BILL

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[MR LEWIS—18 *March*, 1975.]

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3. (1) The Council may, under section 6 of the Trustee Council may
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15 property that is the land. Club as
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of land.

(2) Subsection (1) has effect—

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1925;

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