

**PORT KEMBLA SAILORS, SOLDIERS MEMORIAL
HALL ACT.**

An Act to validate a resumption of lands made ^{Elizabeth II.} for the purpose of providing, controlling and managing a club for returned sailors and soldiers; to authorise the transfer of such lands to the Port Kembla Sub-Branch of the Returned Sailors, Soldiers and Airmen's Imperial League of Australia (New South Wales Branch) Incorporated; to amend the Local Government Act, 1919, and certain other Acts in certain respects; and for purposes connected therewith.
[Assented to, 18th April, 1957.]

WHEREAS in the year one thousand nine hundred ^{Preamble.} and twenty-three a meeting of citizens of Port Kembla resolved to raise funds for the purpose of erecting a Memorial Hall to serve inter alia as a memorial to those who served in the 1914-1918 war AND WHEREAS the lands comprising lots 9 and 10 Military Road, Port Kembla, being the lands contained in Certificates of Title Volume 2411 Folio 236 and Volume 3318 Folio 221 respectively, were purchased with funds provided by public subscription and the title thereto vested in certain persons as Trustees AND WHEREAS a building known as the Port Kembla Sailors, Soldiers Memorial Hall was later erected on the said lands AND WHEREAS for many years the said Memorial Hall was managed by a committee known as the Committee of the Port Kembla Sailors, Soldiers Memorial Hall AND WHEREAS the Port Kembla Sub-Branch of the Returned Sailors, Soldiers and Airmen's Imperial League of Australia (New South Wales Branch) Incorporated (hereinafter called the Sub-Branch) has for a number of years been in occupation of the said Memorial Hall AND WHEREAS certain land adjoining the said Memorial Hall and used in conjunction with it comprising lot 11 situated at the corner of Military Road and

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and Allan Street, Port Kembla, being the land contained in Certificate of Title Volume 2779 Folio 165, was vested in the Amalgamated Miners Association of New South Wales AND WHEREAS the said Amalgamated Miners Association of New South Wales had been for many years before the date of the resumption hereinafter referred to a defunct body from whom title could not be voluntarily acquired AND WHEREAS on the fifteenth day of February one thousand nine hundred and fifty The Council of the City of Greater Wollongong (hereinafter referred to as the Council) resolved to make application under sections five hundred and thirty-two and five hundred and thirty-six of the Local Government Act, 1919, as amended by subsequent Acts, that the said lands comprising lots 9, 10 and 11 aforesaid be appropriated or resumed for the purpose of providing, controlling and managing a club for returned sailors and soldiers in accordance with the provisions of paragraph (f) of subsection one of section three hundred and fifty-eight of the said Act, as so amended, AND WHEREAS by a notice of resumption and appropriation dated the fifteenth day of November one thousand nine hundred and fifty it was notified and declared that so much of the said land as was Crown land was thereby appropriated and so much of the said land as was private property was thereby resumed under Division 1 of Part V of the Public Works Act, 1912, for the purpose aforesaid and it was further notified that the said land was vested in the Council AND WHEREAS the Council is now the registered proprietor of the said lands AND WHEREAS since the twenty-fourth day of November one thousand nine hundred and fifty the said lands have been controlled and managed by the members of a Local Committee appointed by the Council under section 530A of the Local Government Act, 1919, as amended by subsequent Acts, and consisting of members of the Sub-Branch AND WHEREAS the Local Committee has, pursuant to the authorities and powers delegated to it by the Council, occupied the said lands and permitted the Sub-Branch to use the same AND WHEREAS the Sub-Branch is desirous of acquiring title to the said lands for the purpose of erecting thereon a modern building for use as club premises and containing a suitable memorial to those

those who served in the 1914-1918 and 1939-1945 wars **Elizabeth II.**
AND WHEREAS the Council for the purposes aforesaid is desirous of relinquishing the provision, control and management of the said lands and facilitating the erection thereon of the said building for use as aforesaid and is desirous of transferring the said lands to the Sub-Branch AND WHEREAS by Deed of Indemnity dated the ninth day of March one thousand nine hundred and fifty made between Colin Keightley Brown and others (therein described as "guarantors") and the Council the guarantors agreed to hold the Council harmless and indemnified against inter alia any claims for compensation arising out of the said resumption AND WHEREAS the Sub-Branch has agreed to pay the costs and expenses incurred by the Council of and incidental to the said resumption and the proposed transfer AND WHEREAS the said resumption if valid would give rise to rights in the owners of the said lands at the date of such resumption to claim compensation therefor AND WHEREAS a claim for compensation has been made AND WHEREAS doubts have arisen as to the validity of the said resumption and as to the title of the Council to the said lands and as to its power to transfer the same to trustees for the Sub-Branch AND WHEREAS it is expedient that the validity of the said resumption be established and that as to the right to claim compensation no objection should be available against any of the said owners based on invalidity of the said resumption: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Port Kembla **Short title.**
Sailors, Soldiers Memorial Hall Act, 1957".

2. The notice of resumption and appropriation published in the Gazette of the twenty-fourth day of November, one thousand nine hundred and fifty (a copy of which notice is set forth in the Schedule to this Act) shall be deemed to have been, as from that day, valid and effective to vest the land described in the Schedule to such **Validation of resumption.**

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Elizabeth II. such notice in The Council of the City of Greater Wollongong freed and discharged from all trusts, estates or interests affecting the same.

Authority
to transfer
free from
trusts.

3. The Council of the City of Greater Wollongong may transfer, by way of sale or otherwise, the land so described or any part thereof, freed and discharged from all trusts, estates or interests affecting the same, to trustees for the Port Kembla Sub-Branch of the Returned Sailors, Soldiers and Airmen's Imperial League of Australia (New South Wales Branch) Incorporated.

Authority
to Registrar-
General to
give effect
to this Act.

4. The Registrar-General upon a duly stamped transfer in fee simple by The Council of the City of Greater Wollongong to the said trustees for the Port Kembla Sub-Branch of the Returned Sailors, Soldiers and Airmen's Imperial League of Australia (New South Wales Branch) Incorporated of the land so described or any part thereof being lodged for registration and upon payment of the fees prescribed shall issue to the said trustees a Certificate of Title to the land described in the said transfer free of any caveat or notification that the same is affected by any trust, estate or interest affecting the same.

THE SCHEDULE

LOCAL GOVERNMENT ACT, 1919.—PUBLIC WORKS ACT,
1912.

GREATER WOLLONGONG CITY COUNCIL: CLUB FOR
RETURNED SAILORS AND SOLDIERS.

Acquisition of Land.

APPLICATION by The Council of the City of Greater Wollongong having been made that the land described in the Schedule hereto be appropriated or resumed for the purpose of providing, controlling and managing a club for returned sailors and soldiers, It is hereby notified and declared by His Excellency the Governor, acting with the advice of the Executive Council, and by the Minister for Public Works, that so much of the said land as is Crown land is hereby appropriated and so much of the said land as is private property is hereby

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hereby resumed under Division 1 of Part V of the Public Works Act, 1912, for the purpose aforesaid; and the Minister for Public Works hereby further notifies that the said land is vested in The Council of the City of Greater Wollongong. **Elizabeth II.**

Dated at Sydney, this 15th day of November, 1950.

J. NORTHCOTT, Governor.

J. J. CAHILL, Minister for Public Works.

SCHEDULE.

ALL that piece or parcel of land situate in the City of Greater Wollongong, parish of Wollongong, and county of Camden, being lots 9 to 11 inclusive, section 1, deposited plan 5,868,—having a total area of 1 rood $31\frac{1}{2}$ perches or thereabouts, and said to be in the possession of William Rees and others.

(Misc. 50-7,439)

(S241)
