

# Bankstown Resumption Rescission Bill, 1924.

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## EXPLANATORY NOTE.

THIS Bill proposes to provide for the revesting in the former owners of an area of land at Bankstown (about 68 acres) resumed for the purpose of the Housing Act, 1912, which is no longer required, owing to the abandonment of the Housing Scheme.

To dispose of the land by sale to the public or by reconveyance to the former owners, would involve heavy expenses in investigating the titles of the land, which are in a very unsatisfactory condition. Many persons had, prior to the resumption, a title of sorts, either documentary or possessory, and the settlement of claims for compensation, or the decision as to the persons to whom the land should be reconveyed, are questions of considerable difficulty. To sell the land to the public would not mend matters, inasmuch as the titles would still have to be investigated to settle the claims for compensation of former owners and for other purposes, and it is very doubtful whether the prices realised would recoup the Crown for the expense involved. In the circumstances the Crown Solicitor has advised that the rescission of the resumption would be advisable by the passage of a short Act on the lines of the City and Suburban Railways (Resumption Rescission) Act, 1917.

The Bill provides that the Governor may rescind the resumption by proclamation, and that upon publication thereof in the Gazette the land shall be revested in the former owners subject to any interests or equities created by the Constructing Authority since the resumption, and to payment of compensation for any actual loss or damage suffered by any person as a direct consequence of the resumption.

After the resumption in 1920 portions of the land were taken by the Railway Commissioners, and it is provided in the Bill that the Commissioners shall be the Constructing Authority in respect to such parts of the land as have become vested in them, with a provision as to betterment.

No. , 1924.

# A BILL

To provide for the rescission of a resumption of certain lands at Bankstown resumed under the Public Works Act, 1912, for the purposes of the Housing Act, 1912; to declare the Railway Commissioners for New South Wales the Constructing Authority in respect of part of the said lands subsequently resumed by them for railway and road purposes; and for purposes connected therewith.

[MR. J. C. L. FITZPATRICK;— , 1924.]

**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:—  
**1.** This Act may be cited as the "Bankstown Short title. Resumption Rescission Act, 1924."

Rescission of  
resumption.

2. (1) The Governor by proclamation may rescind a certain notification of resumption, dated the tenth day of March, one thousand nine hundred and twenty, published in the Gazette No. 59, dated the nineteenth day of March, one thousand nine hundred and twenty, 5 whereby it was notified and declared that so much of the land therein described, and being the land described in the Schedule to this Act, as was Crown land, had been appropriated, and so much thereof as was private property had been resumed under the Public Works 10 Act, 1912, for the purposes of the Housing Act, 1912, and was vested in the Minister for Housing as Constructing Authority on behalf of His Majesty for the said purposes.

(2) On the publication of such proclamation in 15 the Gazette the land described in the Schedule, exclusive of any land resumed by the Railway Commissioners for New South Wales for the purposes of the Regent's Park to Cabramatta railway and for roads of access thereto, shall revert in the persons 20 who were entitled to the same at the time of such resumption, or taking for their estates, interests, or rights at the time of such resumption, or taking but subject to any interests in or equities binding on such lands created by the Constructing Authority since the resump- 25 tion or taking; and the land shall be subject to all trusts, obligations, estates, interests, charges, rates, rights of way, or other easements from which it was freed and discharged by such resumption or taking as if the land had not been resumed or taken, and shall also be subject 30 to any interests in or equities binding on the compensation moneys created since the resumption or taking.

(3) Any such person or any person claiming through him shall be entitled to be compensated by the Constructing Authority for any actual loss or damage 35 which he has suffered as a direct consequence of the resumption or taking and its rescission other than compensation in respect of the value of the land. Such compensation may be recovered by action instituted in the Supreme Court against the Constructing Authority 40 to be heard and determined by the Land and Valuation Court without a jury. The

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The provisions of the Land and Valuation Court Act, 1920, shall *mutatis mutandis* apply to any such claim for compensation and to any action to recover the same.

- 3. (1) The Railway Commissioners for New South Wales shall, in respect of the land excluded from the re-vesting effected by the last preceding section, be deemed to be the Constructing Authority, and all claims for compensation in respect of such land shall be made against them. Railway Commissioners to be Constructing Authority as to part resumed by them.
- 10 (2) In determining the amount of compensation to be paid in respect of the land resumed by the said Railway Commissioners the amount by which other land of a claimant is enhanced in value by reason of the construction of the said railway or of the opening of the
- 15 roads of access thereto shall be taken into account and set off against any claim for compensation made in respect of the resumed land.

SCHEDULE.

- 20 ALL that piece or parcel of land situate in the Municipality of Bankstown, parish of Liberty Plains, county of Cumberland, State of New South Wales, be the hereinafter stated several dimensions a little more or less, containing by admeasurement about 50 acres, and being lots 8, 9, 10, 11, 12, and 13 of section 7, and lots 10, 11, 12, 13, and 14 of section 8 of the Quid Pro Quo Estate, excluding land
- 25 resumed for railway purposes on the Regent's Park to Cabramatta Railway: Commencing at the intersection of the east side of Miller-street with the southern boundary of land resumed for the Regent's Park to Cabramatta Railway; thence on the north by that boundary easterly to its intersection with the western side of Campbell Hill
- 30 road; thence on the east by that last-mentioned side of Campbell Hill road southerly to its intersection with the northern side of Sir Thomas Mitchell's road; thence on the south-east by that last-mentioned side of Sir Thomas Mitchell's road south-westerly to its intersection with the east side of Miller-street aforesaid; and thence on the west by
- 35 that last-mentioned side of Miller-street northerly, to the point of commencement.

Also, all that piece or parcel of land situate in the Municipality of Bankstown, parish of Liberty Plains, county of Cumberland, State of New South Wales, be the hereinafter mentioned several dimensions

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a little more or less, containing by admeasurement 18 acres and 37 perches, and being the whole of the land comprised in Primary Application No. 9,175: Commencing at the north-eastern corner of lot 1 of section 7, as shown on deposited plan No. 551; thence on the east by the western side of Auburn Park road bearing 10 minutes for 4 chains to the south-east corner of lot 3 of section 6, as shown on deposited plan No. 551 aforesaid; thence on the north by the southern boundaries of lots 3 to 18 inclusive of section 6 aforesaid, and partly by the southern boundary of lot 19 of section 6 aforesaid, being a line bearing 270 degrees for 37 chains 43 links; thence on the west by a line bearing 180 degrees 39 minutes 48 seconds for 10 chains to the northern side of Proctor-parade; thence partly on the south by that side of Proctor-parade bearing 90 degrees for 5 chains 45 links to the south-western corner of lot 15 of section 7, as shown on deposited plan No. 551, aforesaid; thence partly on the east by the western boundary of lot 15 last-mentioned bearing 10 minutes for 6 chains to the north-western corner of that last-mentioned lot 15; and thence partly on the south by the northern boundaries of lots 1 to 15 inclusive of section 7 aforesaid bearing 90 degrees for 32 chains 6 links, to the point of commencement.