

1017

## West Head (Broken Bay) Revesting Bill.

---

### **EXPLANATORY NOTE.**

THE purpose of this Bill is to rescind the resumption of an area of approximately six hundred and forty acres at West Head, Broken Bay, and to provide for the revesting of the land in the former owners and for the payment of compensation for loss or damage suffered as a consequence of the resumption and its rescission.

1478

[CONFIDENTIAL.]

(Rough Draft for Consideration Only.)

No. , 1942.

---

## A BILL

To rescind the resumption of certain land in the Parish of Broken Bay, County of Cumberland; to provide for the revesting of such land in the former owners thereof, and for the payment of compensation for loss or damage suffered as a consequence of the resumption and its rescission; and for purposes connected therewith.

---

**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 "West Head (Broken Bay) Revesting Act, 1942."

179

*West Head (Broken Bay) Revesting.*

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

Definitions.

“Person” includes a company.

“State” means the State of New South Wales.

5 3. (1) The resumption by notification published in the Gazette number one hundred and thirty-two of the first day of September, one thousand nine hundred and thirty-nine, of the land described in the Schedule to this Act, is hereby rescinded.

Rescission of resumption.

10 (2) On the commencement of this Act, the land described in the Schedule hereto shall revest in the persons who were entitled thereto at the time of such resumption and for such estates and interests and with and subject to such rights as were subsisting in respect  
15 of the said land at the time of such resumption, and such land shall be subject to all trusts, obligations, estates, interests, contracts, charges, rates, rights-of-way or other easements from which it was freed and discharged by such resumption as if the said land had not been  
20 resumed, and shall also be subject to any interests in or equities binding on the compensation moneys created since the said resumption.

(3) As compensation for any loss or damage suffered as a consequence of the resumption and its  
25 rescission the person in whom any land is revested by this section shall be entitled to receive payment from the State of a sum equivalent to interest at the rate of four per centum per annum from the date of the resumption to a date thirty days after the commencement of this Act  
30 on an amount representing the value of such land as determined by the Valuer-General as at the date of such resumption:

Provided that no compensation shall be payable under this section to any person who has, since the date of the  
35 resumption, entered into an agreement with the Minister for Lands whereby in consideration of the said Minister waiving his rights to receive the rent and/or charge for the use and occupation of the land such person agreed to

waive

180

*West Head (Broken Bay) Revesting.*

waive all claim for interest on the compensation moneys payable in accordance with the provisions of the Public Works Act, 1912, as amended by subsequent Acts.

(3) No person shall, in respect of such resumption and its rescission, be entitled to receive or recover from the State any compensation otherwise than as provided in this section.

SCHEDULE.

- ALL that piece or parcel of land containing an area of 639 acres
- 10 3 roods 4 $\frac{1}{4}$  perches more or less, parish of Broken Bay, county of Cumberland, being portion 7, comprising the Crown Grant to William Lawson, and being the whole of the land comprised in Certificates of Title, registered volume 4,433, folio 66, volume 4,228, folio 76, volume 4,460, folio 125, volume 4,882, folio 83, volume 4,381, folio 99, volume
- 15 4,430, folio 101, and volume 4,516, folio 162, respectively: Commencing at the high-water mark of Pitt Water on Resolute Beach at a north-eastern corner of Ku-ring-gai Chase, dedicated 14th December, 1894; and bounded thence on the south by a northern boundary of Ku-ring-gai Chase aforesaid bearing 279 degrees 30 minutes 10 seconds about
- 20 8,605 feet to the high-water mark of Hawkesbury River; generally on the west and on the north by that high-water mark northerly and easterly and generally on the east by the high-water mark of Pitt Water aforesaid southerly to the point of commencement, excluding thereout the reservation of one hundred feet from high-water mark
- 25 contained in the Crown Grant abovementioned.