

[BEGIN TRANSCRIPTION]

No. 28 of 1922.

AN ACT

To ratify an Agreement for the variation of the
Agreement for the Surrender and Acceptance
of territory for the purposes of the Seat of
Government of the Commonwealth.

Assented to 18th October 1922

1922.

No.

THIS Bill originated in the Senate, and has finally passed both Houses.

[SIGNED BY]

Thos Givens

President.

[SIGNED BY]

Geo H. Monahan

Clerk of the Senate.

14th October, 1922.

AN ACT

To ratify an Agreement for the variation of the
Agreement for the Surrender and Acceptance
of territory for the purposes of the Seat of
Government of the Commonwealth.

WHEREAS on the eighteenth day of October, One thousand nine hundred and nine, the Commonwealth and the State of New South Wales (in this Act referred to as “the State”) entered into an Agreement (in this Act referred to as “the Agreement”) for the surrender to and acceptance by the Commonwealth, of territory for the purposes of the Seat of Government, subject to approval by the Parliaments of the Commonwealth and of the State and the passing of legislation by the said Parliaments ratifying and confirming the Agreement: Preamble.

And whereas by an Act intituled the “*Seat of Government Surrender Act 1909*” the Parliament of the State ratified and confirmed the Agreement:

And whereas by an Act intituled the *Seat of Government Acceptance Act 1909* the Parliament of the Commonwealth ratified and confirmed the Agreement:

And whereas certain errors and misdescriptions exist in the descriptions of lands set forth in clause five of the Agreement:

And whereas the Commonwealth and the State have entered into an Agreement (in this Act referred to as “the amending Agreement”) subject to approval, ratification and confirmation by the Parliaments of the Commonwealth and of the State, to vary the Agreement with a view to correcting the errors and misdescriptions existing in clause five of the Agreement:

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And whereas it is desirable that the amending Agreement should be approved ratified and confirmed:—

Be it therefore enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows: —

1. This Act may be cited as the *Seat of Government Acceptance Act 1922*. Short title and citation.
2. This Act shall commence on a day to be fixed by Proclamation, after the Parliament of the State has passed an Act ratifying and confirming the amending Agreement. Commencement.
3. The amending Agreement, which is set out in the Schedule to this Act, is hereby approved, ratified and confirmed. Ratification of amending Agreement.

THE SCHEDULE.

AGREEMENT made the second day of September One thousand nine hundred and twenty between the COMMONWEALTH OF AUSTRALIA (hereinafter called the "Commonwealth") of the one part and the STATE OF NEW SOUTH WALES (hereinafter called the "State") of the other part Whereas by an agreement dated the eighteenth day of October One thousand nine hundred and nine made between the parties hereto it was agreed (*inter alia*) that certain lands described in clause five thereof should be granted by the State to the Commonwealth so far as the same were not already vested in the Commonwealth without payment therefor and it was agreed that the said agreement now in recital should not in any way be binding unless and until it was approved by the Parliaments of the Commonwealth and of the State And Whereas the Act of the Commonwealth No. 23 of 1909 intituled the "*Seat of Government Acceptance Act, 1909*" and the Act of the State No. 14 of 1909 intituled the "*Seat of Government Surrender Act, 1909*" respectively ratified and confirmed the said agreement And Whereas by proclamation under the hand of His Excellency the Right Honorable Frederic John Napier Baron Chelmsford Knight Commander of the Most Distinguished Order of St. Michael and St. George Governor of the State and its dependencies in the Commonwealth of Australia and published in the *Government Gazette* of the State of the fifteenth day of December One thousand nine hundred and nine it was proclaimed that the said "*Seat of Government Surrender Act, 1909*" should come into force on and from Wednesday the fifteenth day of December One thousand nine hundred and nine And Whereas by proclamation under the hand of His Excellency the Right Honorable Frederic John Napier Baron Chelmsford Knight Commander of the Most Distinguished Order of St. Michael and St. George Administrator of the Government of the Commonwealth of Australia and published in the *Commonwealth of Australia Gazette* of the twentieth day of January One

thousand nine hundred and ten Saturday the twenty-second day of January One thousand nine hundred and ten was fixed as the day upon which the “*Seat of Government Acceptance Act, 1909*” should commence And Whereas certain errors and misdescriptions have been found in the descriptions of the lands described in clause Five aforesaid Now it is hereby agreed as follows:—

1. Clause 5 of the said agreement of the eighteenth day of October One thousand nine hundred and nine shall be deleted and the following clause substituted therefor:—

“The State shall grant to the Commonwealth (so far as the same are not already vested in the Commonwealth) without payment therefor areas of land at Sussex Haven and at and near Jervis Bay described in the Schedule hereto.”

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THE SCHEDULE—*continued.*

2. The legislation to be passed by the State shall repeal the Third Schedule of the Act of the State No. 14 of 1909 above mentioned and the Schedule hereto shall be substituted therefore.

3. Nothing in this agreement shall be taken to derogate from the surrender of territory effected by the agreement between the parties hereto dated the twenty-third day of September One thousand nine hundred and thirteen as ratified and confirmed by the “*Seat of Government Surrender Act, 1915, No. 9*” of the State and the “*Jervis Bay Territory Acceptance Act, 1915, No. 19*” of the Commonwealth.

4. This agreement shall not in any way be binding unless and until it is approved by the Parliaments of the Commonwealth and of the State and legislation is passed by such Parliaments respectively ratifying and confirming it.

THE SCHEDULE.

Eastern Division Land District of Nowra County of St. Vincent Parish of Bherwerre area about two square miles Commencing on the high-water mark of Jervis Bay at the south-western corner of Portion thirty of Forty acres and bounded thence on the east by a line bearing south eighty chains on the south by a line bearing west one hundred and ninety-seven chains on the west by a line bearing north to the aforesaid high-water mark and on all other sides by that high-water mark bearing generally easterly to the point of commencement.

Eastern Division Land District of Nowra County of St. Vincent Parish of Bherwerre containing an area of One hundred and thirty-two acres. The Crown Lands within Bowen Island situated in the South Pacific Ocean at the mouth of Jervis Bay northerly of Governor Head shown on plan catalogued Ms 1276 Sy in the Department of Lands, Sydney.

Eastern Division Land District of Nowra County of St. Vincent Parish of Bherwerre area Four hundred and twelve acres. The Crown Lands within the following boundaries:—Commencing on the high-water mark of Jervis Bay at the north-eastern corner of Portion twenty-one of Forty acres and bounded thence on the west by the eastern boundary of that portion bearing south no degrees thirty-one minutes west ten chains forty-five links on the north by part of the southern boundary of that portion bearing north eighty-nine degrees twenty-one minutes west thirteen chains seventy-four links again on the west by a road one chain wide dividing it from Portion twenty of Forty acres bearing south no degrees thirty-six minutes west twenty-one chains twenty-six links again on the north by that road dividing it from Portion 20 bearing north eighty-nine degrees fifteen minutes west five chains sixty links again on the west by that road dividing it from Portion 30 of Forty acres bearing south no degrees forty-two minutes west twenty chains six links thence by a line south thirteen chains ninety-two links on the south-west by a line bearing south sixty-nine degrees twelve minutes east eighteen chains twenty-five links again on the west by a line a road one chain wide dividing it from Portion 31 of Two acres and another line in all bearing south no degrees twenty-five minutes west nine chains ninety-seven links again on the south-west by a line and a road one chain wide dividing it from Portion 33 of Ten acres in all bearing south twenty degrees east twenty-nine chains thirteen links on the south by a line bearing east twenty-one chains twenty-eight links to the high-water mark of the South Pacific Ocean and thence by that high-water mark and the high-water mark of Jervis Bay aforesaid bearing generally northerly and westerly to the point of commencement shown on Plan catalogued Ms 1392 Sy in the Department of Lands Sydney.

Eastern Division Land District of Milton County of St. Vincent Parish of Farnham area One hundred and three acres. The Crown Lands within the following boundaries:—Commencing on the high water mark of the South Pacific Ocean at a point south twenty-one chains thirty-eight links from a point west ten chains from Farnham Trigonometrical Station and bounded thence on the west by a line north thirty chains fifty-five links on the north by a line east twenty-eight chains seven links to the high water mark of Sussex Haven thence by the high-water mark of Sussex Haven and the South Pacific Ocean generally southerly and westerly to the point of commencement shown on Plan catalogued Ms 1399 Sy in the Department of Lands Sydney.

Eastern Division Land District of Nowra County of St. Vincent Parish of Beecroft area One thousand six hundred and fifty acres. The Crown Lands within the following boundaries:—Commencing at a point at a wharf on the high-water mark of Jervis Bay being the intersection of that high-water mark with the production north-westerly of a south-western side of the surveyed road shown on plan catalogued Ms 1395 Sy in the Department of Lands Sydney to Point Perpendicular Lighthouse thence by

THE

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THE SCHEDULE—*continued.*

That production and that south-western side of that surveyed road bearing one hundred and fifty-two degrees fifty-three minutes three hundred and sixteen links thence by western south-western and southern sides of that road being lines bearing one hundred and seventy-three degrees forty-three minutes four hundred and eighteen decimal two links one hundred and ninety degrees fifty-five minutes three hundred and sixty decimal nine links one hundred and eighty-three degrees forty-nine minutes two thousand and five decimal seven links one hundred and twenty-four degrees thirty minutes seven hundred and fifty-four decimal six links one hundred and thirteen degrees five minutes one thousand two hundred and one links one hundred and eighteen degrees thirty minutes nine hundred and seventy-nine decimal seven links and eighty-six degrees fifteen minutes three hundred and seventy-three decimal five links thence by lines bearing one hundred and seventy-nine degrees four minutes five thousand three hundred and sixty decimal five links and one hundred and twenty-eight degrees thirty-nine minutes nine thousand one hundred and fourteen decimal seven links and one hundred degrees six minutes five thousand one hundred and fifty decimal six links to a post which bears two hundred and eighty degrees six minutes and is distant three hundred and fifty-nine decimal eight links from a post marked ↑ over A over ninety-eight and shown on plan Ms 1395 Sy aforesaid and thence by lines bearing forty-nine degrees thirty-nine minutes ten thousand and twenty-nine decimal six links twenty degrees seventeen minutes eight thousand seven hundred and eighty-nine decimal three links three hundred and twenty-six degrees thirty minutes six thousand five hundred and two decimal five links and ninety-nine degrees thirty minutes two thousand eight hundred and ten links to a point on the high-water mark of the South Pacific Ocean bearing two hundred and seventy-nine degrees thirty minutes from the northern extremity of the Drum and Drumsticks Islands thence generally southerly easterly southerly and south-westerly by part of that high-water mark to its intersection at Point Perpendicular with the eastern boundary of Portion 5 of Ten acres parish of Beecroft thence northerly westerly and southerly by the eastern northern and western boundaries respectively of that Portion to a point on the high-water mark of Jervis Bay and thence generally northerly north-westerly southerly westerly and northerly by part of that high-water mark to the commencing point

shown on plan catalogued Ms 5228 Sy in the Department of Lands Sydney. The bearings quoted in this last description are according to the true meridian.

SIGNED by the GOVERNOR of the STATE OF NEW SOUTH WALES with the advice and consent of the Executive Council thereof for and on behalf of that STATE AND SEALED with the Public Seal of that State on the second day of September One thousand nine hundred and twenty.

(Sealed)

(Signed) W. E. DAVIDSON,

Governor of New South Wales.

By Command:

SIGNED by the GOVERNOR-GENERAL of the COMMONWEALTH OF AUSTRALIA with the advice and consent of the Executive Council thereof for and on behalf of the Commonwealth AND SEALED with the Seal of the Commonwealth on the twentieth day of October One thousand nine hundred and twenty.

(Sealed)

(Signed) FORSTER,

Governor-General.

By Command:

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

[SIGNED BY]

Forster

Governor-General.

18th October, 1922.

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[END TRANSCRIPTION]