

No. [23] of 1909.

A N A C T

**Relating to the Acceptance of the Territory
surrendered by the State of New South Wales for
the Seat of Government of the Commonwealth.**

Assented to [13th December, 1909.]

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

[A. J. Gould]
President.

[Geo. Upward]
Clerk-Assistant,
For Clerk of the Senate.
[1st December,] 1909.

[No. 23 of 1909.]

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Relating to the Acceptance of the Territory surrendered by the State of New South Wales for the Seat of Government of the Commonwealth.

[Assented to 13th December, 1909.]

WHEREAS the Commonwealth and the State of New South Wales (in this Act referred to as the State) have entered into an agreement, set out in the First Schedule of this Act, for the surrender to and acceptance by the Commonwealth, for the purposes of the seat of government, of the territory (in this Act referred to as the Territory) now being part of the State and described in the Second Schedule to this Act :

Preamble.

And whereas it is desirable that the said agreement be ratified and confirmed, and that the surrender of the Territory be accepted by the Commonwealth:

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 1909.*

Short title.

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 said agreement, and surrendering the Territory to the Commonwealth.

Commencement.

3. The Agreement made between the Commonwealth and the State and set out in the First Schedule to this Act is hereby ratified and confirmed.

Ratification of Agreement.

4. It

Seat of
Government.

4. It is hereby declared and determined that the Seat of Government shall be in the Territory described in the Second Schedule to this Act.

Acceptance of
Territory.

5. (1.)—The Governor-General is hereby authorized to declare by Proclamation that, on and from a day to be fixed by the Proclamation (in this Act referred to as the proclaimed day), the Territory described in the Second Schedule to this Act, and surrendered by the State to the Commonwealth, is accepted by the Commonwealth as a Territory of the Commonwealth.

(2.) The effect of the Proclamation shall be that, on and from the proclaimed day, the Territory shall be accepted by the Commonwealth and be acquired by the Commonwealth for the Seat of Government.

Continuance of
laws.

6. (1.)—Subject to this Act, all laws in force in the Territory immediately before the proclaimed day shall, so far as applicable, continue in force until other provision is made.

(2.) Where, by any law of the State in force in the Territory on the proclaimed day, any power or function is vested in the Governor of the State, or in any Authority of the State, that power or function in relation to the Territory shall be vested in and exercised or performed by the Governor-General, or the Authority exercising similar powers and functions under the Commonwealth, as the case requires or as the Governor-General directs :

Provided that the Governor-General may direct that any such power or function may be exercised or performed on behalf of the Commonwealth by the Authority of the State in which it was previously vested; and while that direction remains in force the Authority of the State shall, in regard to the exercise or performance of that power or function, be deemed to be an Authority of the Commonwealth.

Continuance of
interests in
land.

7. All estates and interests in any land in the Territory which are held by any person from the State immediately before the proclaimed day shall, subject to any law of the Commonwealth, continue to be held from the Commonwealth on the same terms and conditions as they were held from the State.

Jurisdiction of
[High Court.]

8. Until the Parliament otherwise provides, the High Court and the Justices thereof shall have, within the Territory, the jurisdiction which immediately before the proclaimed day belonged to the Supreme Court of the State and the Justices thereof.

Appointment of
Magistrates
and officers.

9. The Governor-General may appoint such Magistrates and officers as are necessary to execute the laws of the Territory and provide for the administration of justice thereunder.

Applications of
*Lands
Acquisition
Act 1906.*

10. The provisions of the *Lands Acquisition Act 1906* shall apply to the acquisition by the Commonwealth, for any public purpose, of any land owned in the Territory by any person :

Provided that, in determining the compensation to which the owner is entitled under that Act, the value of the land shall be taken not to exceed its value on the eighth day of October One thousand nine hundred and eight. SCHEDULES.

SCHEDULES.

FIRST SCHEDULE.

AGREEMENT made the eighteenth day of October, 1909, 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.

WITNESSETH that, subject as hereinafter mentioned to the approval of the Parliaments of the Commonwealth and of the State, IT IS HEREBY AGREED as follows :—

1. The State shall surrender to the Commonwealth, and the Commonwealth shall accept, for the purposes of the Seat of Government, the territory (hereinafter called the Territory), now being part of the State, described hereunder, namely :—

Counties of Murray and Cowley, area about 900 square miles : Commencing on the Goulburn-Cooma Railway at its intersection with the Queanbeyan River at Queanbeyan, and bounded thence by that railway generally southerly to the south-eastern corner of portion 177, Parish of Keewong, County of Murray, by the southern boundaries of that portion and portions 218, 211, 36, and 38 generally westerly to the Murrumbidgee River, by that river downwards to a point east of the south-east corner of portion 68, Parish of Cuppacumbalong, County of Cowley, by a line partly forming the southern boundary of that portion west to the eastern watershed of Gudgenby River; by that watershed and the eastern and southern watersheds of Naas Creek, by part of the western watershed of Gudgenby River, generally southerly, westerly, and northerly to the southern watershed of Cotter River, by that watershed and the western watershed of that river, passing through Mount Murray and through Bimberi Trigonometrical Station, generally northerly to Coree Trigonometrical Station ; thence by a line bearing north-easterly to One-Tree Trigonometrical Station ; thence by the watershed of Molonglo River north-easterly and generally south-easterly to the Goulburn-Cooma Railway aforesaid, and thence by that railway generally south-westerly to the point of commencement.

2. The right of the State or of the residents therein to the use and control of the waters of the Queanbeyan and Molonglo Rivers and their tributaries which lie to the east of the Goulburn to Cooma Railway shall be subject and secondary to the use and requirements of the Commonwealth (which are hereby declared to be paramount) for all the purposes of the Territory, and the State shall consent to the construction by the Commonwealth in the State of such works as are necessary for those purposes.

3. The State shall reserve from sale, lease, and occupation (except with the concurrence of the Commonwealth) all Crown lands within the catchment areas of the Queanbeyan and Molonglo Rivers.

4. The State shall not pollute and shall protect from pollution the waters of the Queanbeyan and Molonglo Rivers throughout their whole course above the Territory.

5. 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 Jervis Bay described as follows :—

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 30 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 Beecroft, area about five hundred and twenty acres. The Crown lands within the following boundaries : Commencing on the High Water Mark of the South Pacific Ocean at a point bearing north thirty-three degrees fifty minutes east and distant ninety-two chains fifty links from the southeast corner of portion 5 of ten acres and bounded thence generally on the east by that High Water Mark generally northerly to a point due west of the northernmost extremity of the Drum and Drumsticks Islands, thence on the north by a line bearing west to its intersection with a line parallel to and

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FIRST SCHEDULE—*continued.*

County of St. Vincent, Parish of Nowra, area about one hundred and eighty acres. The Crown lands within the following boundaries: Commencing on the High Water Mark of Jervis Bay at a point bearing north twenty-four degrees thirty minutes west seventy-nine chains five links from the south-west corner of portion 5 of ten acres and bounded thence by a line north four chains on the south by a line east (to its intersection with a line parallel to and twenty chains) rectangularly distant from the aforesaid High Water Mark thence by that line parallel to and twenty chains rectangularly distant from the High Water Mark extending generally westerly to the left bank of Duck Creek by that Creek downwards and the High Water Mark of Jervis Bay aforesaid generally southerly and easterly to the point of commencement.

6. For the purpose of providing access to and from the Territory from and to the sea, the State shall grant to the Commonwealth—

- (a) the right to construct, maintain, and work a railway or other means of communication from the Territory to Jervis Bay, and to procure in New South Wales timber ballast and other material necessary for such construction by paying such compensation in accordance with the laws of the State as is payable by the State when constructing State railways ; and
- (b) the right on terms to be agreed upon, or in default of agreement to be determined by arbitration, to cross over or under, by road or railway, any State railway, and to connect with and run trains over any portion of a State railway.

7. The State shall not claim compensation from the Commonwealth for the value of any right, title, or interest of the State in land of the State required by the Commonwealth for the purposes of the railway constructed by the Commonwealth between the Territory and Jervis Bay.

8. The Commonwealth shall grant to the State on terms to be agreed upon, or in default of agreement to be determined by arbitration, the right to cross over or under by road or railway or to connect with and run trains over the railway constructed by the Commonwealth between the Territory and Jervis Bay.

9. In the event of the Commonwealth constructing a railway within the Territory to its northern boundary, the State shall construct a railway from a point near Yass on the Great Southern Railway to join with the said railway, and the Commonwealth and the State shall grant to each other such reciprocal running rights as may be agreed upon, or as in default of agreement may be determined by arbitration, over such portions of that railway as are owned by each.

10. The State shall grant to the Commonwealth without payment therefor the right to use the waters of the Snowy River, and such other rivers as may be agreed upon or in default of agreement may be determined by arbitration, for the generation of electricity for the purposes of the Territory, and to construct the works necessary for that purpose, and to conduct the electricity so generated to the Territory.

11. The surrender of the Territory to the Commonwealth shall not be deemed to abridge the right of the State or of the residents therein to the reasonable use of the waters of the Murrumbidgee River for conservation or irrigation.

12. When any dispute or matter authorized or directed by this Agreement to be settled by arbitration has arisen, then, unless the parties hereto concur in the appointment of a single arbitrator, the dispute or matter shall be referred for decision to two arbitrators, one to be appointed by the Prime Minister for the time being of the Commonwealth and one by the Premier for the time being of the State, and the arbitration shall be subject as nearly as practicable to the laws relating to arbitration in force in the State.

13. 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 enabling the Commonwealth and the State to effect the surrender and acceptance of the Territory.

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