

# JERVIS BAY TERRITORY ACCEPTANCE.

No. 19 of 1915.

An Act to provide for the Acceptance of certain Territory Surrendered by the State of New South Wales to the Commonwealth.

[Assented to 12th July, 1915.]

Preamble.

**W**HEREAS 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 Schedule to this Act, for the surrender to and acceptance by the Commonwealth of the territory set out in the said agreement: 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:—

Short title.

1. This Act may be cited as the *Jervis Bay Territory Acceptance Act 1915*.

Commencement.

2. This Act shall commence on a day to be fixed by proclamation, after the Act passed by the Parliament of the State confirming the said agreement and surrendering the territory to the Commonwealth has been proclaimed by the Governor of the State to be in force.

Ratification of agreement.

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

Acceptance of territory.

4.—(1.) Upon the commencement of this Act, the territory set out in the agreement and surrendered by the State to the Commonwealth shall be and is hereby accepted by the Commonwealth as a territory of the Commonwealth.

(2.) The territory so accepted shall be annexed to and be deemed to form part of the Territory acquired by the Commonwealth for the Seat of Government, to the intent that all laws ordinances and regulations (whether made before or after the commencement of this Act), which are from time to time in force in the Territory for the Seat of Government shall so far as applicable apply to and be in force in the territory so accepted.

Application of laws.

(3.) Sections six to nine (both inclusive) of the *Seat of Government Acceptance Act 1909* and the whole of the *Seat of Government (Administration) Act 1910* except sections nine and ten shall apply to the territory as if it formed part of the Territory for the Seat of Government.

5. No Crown lands in the territory shall be sold or disposed of for any estate of freehold, except in pursuance of some contract entered into before the commencement of this Act.

Disposal of Crown lands.

6. 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, set out in the said agreement, by any private person :

Application of Lands Acquisition Act 1906.

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 the unimproved value of the land, or the interest therein of the owner, on the first day of January One thousand nine hundred and fourteen, together with the value of his interest in the improvements on the land at the date of the acquisition of the land.

## THE SCHEDULE.

### SURRENDER TO THE COMMONWEALTH OF AUSTRALIA BY THE STATE OF NEW SOUTH WALES OF LAND AT JERVIS BAY.

AGREEMENT 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, the territory (hereinafter called the territory), now being part of the State, described hereunder, namely :—

All that piece and parcel of land and water situate at Jervis Bay in the Parish of Bherwerre, County of St. Vincent, State of New South Wales, Commonwealth of Australia, area about 18,000 acres, commencing at a point on the high water mark on the left bank of Sussex Inlet at its intersection with the western boundary of portion 12 of 40 acres and bounded thence westerly and north-westerly by that high water mark to the high water mark of St. George's Basin, thence in a general easterly and north-easterly direction by that high water mark to its intersection with the production westerly of the southern boundary of portion 18; thence easterly by a straight line formed by the western production of the southern

boundary of portion 18, the boundary itself, and its production easterly to the high water mark of Jervis Bay; thence by a line across the southern part of Jervis Bay bearing north-easterly to a point in the high water mark of Jervis Bay at the northernmost extremity of Bowen Island; thence by the high water mark of Jervis Bay and of the South Pacific Ocean along the eastern boundary of Bowen Island to the southernmost point thereof; thence by a line bearing south-westerly across the passage between Bowen Island and Governor Head to the high water mark of the South Pacific Ocean on the foreshore of the mainland, at the northernmost point of Governor Head; and thence by that high water mark in a general southerly and south-westerly direction to St. George's Head; thence in a general northerly, westerly, and south-westerly direction by the high water mark of Wreck Bay to the high water mark on the left bank of Sussex Inlet before mentioned; and thence in a general northerly direction by that high water mark to the commencing point.

2. 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.

3. The Commonwealth shall account to the State for any purchase money received by the Commonwealth in respect of any grant of an estate in fee simple in the territory—

- (a) made by the State before the date of the surrender; or
- (b) contracted before that date to be so made, either unconditionally or upon conditions which (except as to the payment of purchase money) have been wholly fulfilled at that date.

4. The State shall make no claim for payment in respect of—

- (a) the value of the waste lands of the Crown in the territory; or
- (b) the rents and profits, after the date of the surrender, of any land in the territory held from the Crown under any estate less than an estate in fee simple; or
- (c) the value of the right, title, estate, or interest of the Crown in reversion or expectancy upon the termination of any such estate as mentioned in the last preceding paragraph; or
- (d) the purchase money for the grant by the State of any conditional estate in any land in the territory, in respect of which at the date of the surrender there remains unfulfilled any conditions precedent (other than the payment of purchase money) to the grant of an estate in fee simple.

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 twenty-third day of September 1913.

(L.S.)

G. STRICKLAND

Governor of New South Wales.

By Command.

W. A. HOLMAN.

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 4th day of December 1913.

(L.S.)

DENMAN

Governor-General.

By Command.

JOSEPH COOK.