No. 23 of 1909.

AN ACT

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.

Clerk-Assistant,
For Clerk of the Senate.
1st December, 1909.

No. 23 of 1909.

AN ACT

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

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 to 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:

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.

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.

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.

4. It
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.

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.

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 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.

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.

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.

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.

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, 1906, 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 Parliament 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 purpose 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-east 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 Cappuccinuskeng, 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 Nana 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 Coce 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 Becroft, 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 south-east 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
First Schedule—continued.

twenty chains in rectangular distance westerly from the High Water Mark aforesaid; thence generally on the west by the aforesaid line parallel to and twenty chains rectangularly distant from the aforesaid High Water Mark bearing generally southerly to a line due west from the point of commencement and thence by a line east to that point.

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 east 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 Ms. 1359 Sy.

County of St. Vincent, Parish of Bherwere 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. Mis. 1276 Sy.

Eastern Division, Land District of Nowra, County of St. Vincent, Parish of Beecroft, area five hundred and thirty-one acres. The Crown lands within the following boundaries: Commencing on the High Water Mark of Jervis Bay at Longmoor Point, and bounded thence on the east by that High Water Mark and the right bank of Duck Creek generally northerly to the road leading to Point Perpendicular Light House, thence by that road, generally westerly and north-westerly to the High Water Mark of Jervis Bay at a wharf, and thence generally on the west and south by that High Water Mark southerly and easterly to the point of commencement. Plan Ms. 1303 Sy.

Eastern Division, Land District of Nowra, County of St. Vincent, Parish of Bherwere, 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 21 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 20 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 20 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-five chains thirteen links, on the south by a line bearing east twenty-one chains eighty-two 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. deposited in the Department of Lands, Sydney.

County of St. Vincent, Parish of Beecroft, area four hundred and twenty-four acres. The Crown lands within the following boundaries: Commencing on the High Water Mark of Jervis Bay at the south-west corner of portion 5 of ten acres and bounded thence by that High Water Mark generally north-westerly and northerly to a point bearing north twenty-four degrees thirty minutes west seventy-nine chains five links from the point of commencement thence by a line north four chains on the north by a line east about ninety-two chains ninety-two links to the High Water Mark of the South Pacific Ocean thence by that High Water Mark generally south-westerly to the south-east corner of portion 5 aforesaid, thence by the boundaries of that portion bearing north nine chains sixty-five links west ten chains eight links and south about nine chains thirty links to the point of commencement. Plan Ms. 1394 Sy.
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 com-
unication from the Territory to Jervis Bay, and to procure in New
South Wales timber ballast and other material necessary for such con-
struction 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 deter-
mined 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 Common-
wealth 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 appoint-
ment 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.