

PERTH TOWN HALL AGREEMENT

2° Elizabeth II., No. LVIII.

No. 58 of 1953.

AN ACT to approve, ratify and confirm an agreement made between the State and The City of Perth providing for the vesting and surrender of certain lands and the variation of a certain agreement dated the twenty-sixth day of March one thousand nine hundred and fifty-two, made between the State and The City of Perth and for other purposes.

[Assented to 9th January, 1954.]

BE it enacted, by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the *Perth Town Hall Agreement Act, 1953.* Short title.

2. The agreement entered into by the Governor for and on behalf of the State with The City of Perth and executed on the twentieth day of November, one thousand nine hundred and fifty-three, a copy of which is set forth in the Schedule to this Act, is approved, ratified and confirmed. Approval, ratification and confirmation of agreement.

THE SCHEDULE.

AN AGREEMENT made under seal this 20th day of November, one thousand nine hundred and fifty-three, BETWEEN HIS EXCELLENCY LIEUTENANT-GENERAL SIR CHARLES HENRY GAIRDNER, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Companion of the Most Honourable Order of the Bath, Commander of the Most Excellent Order of the British Empire, Governor in and over the State of Western Australia and its dependencies in the Commonwealth of Australia, for and on behalf of the Crown in right of the State Government of Western Australia (in this agreement called "the State Government") of the one part, AND THE CITY OF PERTH, a body corporate constituted pursuant to the provisions of the Municipal Corporations Act, 1906-1951, having its office and principal place of business at Murray Street, Perth, in the State of Western Australia (in this agreement with its successors and assigns called "the City of Perth") of the other part.

WHEREAS:

- (1) By virtue of the provisions of the Perth Town Hall Act, 1950 (in this agreement called "the Act") it is provided that the parties may execute and carry into effect an agreement for the purposes set out in section two of the Act and on such terms and conditions as may be agreed between the parties.
- (2) The parties made and executed an agreement dated the 26th day of March, 1952, which was published in the *Government Gazette* dated the 10th day of April, 1952 (in this agreement called "the principal agreement.")
- (3) Since the passing of the Act and the publication of the principal agreement it has been discovered by the parties and it is agreed between them—
 - (a) That the land described in the First Schedule to this agreement was inadvertently omitted from the Fourth Schedule to the Act and consequently omitted from clauses four and seven of the principal agreement.
 - (b) That the land which is required by the City of Perth for widening Wellington Street and described in the Second Schedule to this agreement was inadvertently included in the Fourth Schedule to the Act and consequently wrongly included in clauses four and seven of the principal agreement.
 - (c) That when the Kensington Hotel which is erected on portion of Perth Town Lot W85 was resumed by the State on the 16th day

of March, 1951, a strip of the said lot twenty-four feet wide fronting Wellington Street, Perth, which is required by the City of Perth for the purpose of widening that street was included in the resumption.

- (d) That the City of Perth will on or before the 30th day of June, 1954, surrender to Her Majesty the land described in the Third Schedule to this agreement.
- (e) That the State Government will vest in the City of Perth the land described in the Fourth Schedule to this agreement when the building known as the Kensington Hotel is demolished or removed.

(4) The parties hereto desire—

- (i) That the Fourth Schedule of the Act and clauses four and seven of the principal agreement be amended by including therein the land described in the First and Third Schedules to this agreement and excluding therefrom the land described in the Second Schedule to this agreement.
- (ii) That the portions of Perth Town Lot W85 more particularly described in the Fourth Schedule to this agreement be vested, when the building known as the Kensington Hotel is demolished or removed, in the City of Perth for the purpose of widening Wellington Street and for the purpose of truncating the corner of Wellington and Lord Streets.
- (iii) That this agreement be approved, ratified and confirmed by Parliament.

NOW THIS AGREEMENT WITNESSETH AND IT IS AGREED:

1. THAT the land described in the First and Third Schedules hereto shall be deemed to have been included in the Fourth Schedule of the Act and in clauses 4 and 7 of the principal agreement and that the Act and the principal agreement shall be read and construed as if such land had been so included.

2. THAT the land described in the Second Schedule hereto shall be deemed to have been excluded from the Fourth Schedule to the Act and from clauses 4 and 7 of the principal agreement and that the Act and the principal agreement shall be read and construed as if such land had been so excluded.

3. THAT the whole of the land more particularly delineated and coloured green and brown in the plan in the Fifth Schedule to this agreement is deemed to be the land which by force of the Act the City of Perth shall surrender to Her Majesty.

4. THAT when the building known as the Kensington Hotel is demolished the State Government shall vest in the City of Perth for the purpose of widening Wellington Street and for the purpose of truncating the corner of Wellington and Lord Streets the portions of Perth Town Lot W85 more particularly described in recital 4 (ii) of this agreement.

5. CLAUSE 4 of the principal agreement is varied by substituting the words "One thousand nine hundred and fifty-four" for the words "One thousand nine hundred and fifty-two."

6. CLAUSE 11 of the principal agreement is varied by substituting for the word "hereto" the words "to the Act."

7. THAT the provisions of this and the principal agreement may from time to time be varied by agreement in writing between the parties so long as such variation shall not constitute a material or substantial alteration of the rights or obligations of either party under this or the principal agreement.

8. SUBJECT to the variations herein contained and such other alterations (if any) as may be necessary to make the principal agreement consistent with these presents the principal agreement shall remain in force and effect and shall be read and construed and be enforceable as if the terms of these presents were inserted therein by way of addition or substitution as the case may be.

9. THAT the State Government shall take the necessary steps to have this agreement approved, ratified and confirmed by Parliament and published in the *Government Gazette* as soon as possible.

FIRST SCHEDULE.

Perth Town Lot W114 being Reserve No. 11417 (Municipal Purposes) and vested in the City of Perth (*Gazette*, 22nd May, 1908).

So much of Perth Town Lot W112 as is coloured green on diagram 5791 and being the whole of the land comprised in Certificate of Title Volume 812 Folio 153.

Perth Town Lot W112 less portion transferred and being the balance of the land remaining in Certificate of Title Volume 3 Folio 118.

Perth Town Lot W86 and part of Perth Town Lot W37 being the whole of the land comprised in deposited diagram 1033 and being the whole of the land comprised in Certificate of Title Volume 368 Folio 48.

Portion of Perth Town Lot W60 the subject of diagram 3832 and being the whole of the land comprised in Certificate of Title Volume 577 Folio 88.

Perth Town Lot W66 the subject of diagram 3771 and being the whole of the land comprised in Certificate of Title Volume 571 Folio 157.

All of which land is that portion of the land coloured green on the plan in the Fifth Schedule to this agreement which lies North of Moore Street.

SECOND SCHEDULE.

All those pieces of land being portions of Perth Town Lots W81, W82, W83 and W84 and being those portions between Wellington Street and the building line declared under the Municipal Corporations Act, 1906-1951, and the City of Perth Act, 1925 (*Government Gazette*, 19/7/40) and being portion of the land comprised respectively in Volume 513/10 Volume 950 Folio 98, Volume 115 Folio 179, Volume 271 Folio 44, Volume 526 Folio 121 to be used by the City of Perth for the purpose of widening Wellington Street.

Which said portions are more particularly delineated and coloured pink on the plan in the Fifth Schedule to this agreement.

THIRD SCHEDULE.

Portions of Perth Town Lots W77, W78, W79, W80, W81 being the portion of the land comprised in Certificate of Title Volume 511 Folio 187, which portion is more particularly delineated and coloured brown in the plan in the Fifth Schedule to this agreement.

FOURTH SCHEDULE.

That portion of Perth Town Lot W85 fronting Wellington Street, Perth, being a strip of land between the Northern boundary of Wellington Street and the building line declared under the Municipal Corporations Act, 1906-1951, and the City of Perth Act, 1925 (*Government Gazette*, 19th July, 1940) also that portion of Perth Town Lot W85 which is required for the truncation of the corner of Wellington and Lord Streets. Which portions are more particularly delineated and coloured yellow on the plan in the Fifth Schedule to this agreement.

FIFTH SCHEDULE.

(See Map attached.)

IN WITNESS WHEREOF His Excellency the Governor of the State of Western Australia and its dependencies for and on behalf of Her Majesty and the Government of Western Australia has hereunto set his hand and the seal of the said State and the City of Perth hath hereunto set its seal the day and year first abovementioned.

SIGNED by HIS EXCELLENCY
LIEUTENANT - GENERAL SIR
CHARLES HENRY GAIRDNER,
Knight Commander of the Most
Distinguished Order of Saint
Michael and Saint George,
Companion of the Most Hon-
ourable Order of the Bath,
Commander of the Most Excel-
lent Order of the British Em-
pire, Governor in and over the
State of Western Australia and
its dependencies in the Com-
monwealth of Australia, and
sealed with the Public Seal of
the said State in the presence
of—

[L.S.]

CHARLES GAIRDNER.

P. L. Sparrow,
Acting Assistant Under Secretary,
Premier's Department.

THE COMMON SEAL of the CITY
OF PERTH was hereto affixed
in the presence of—

[L.S.]

J. Totterdell,
Lord Mayor.

W. A. McI. Green,
Town Clerk.