



ANNO VICESIMO

ELIZABETHAE II REGINAE

A.D. 1971

No. 43 of 1971

An Act to effectuate a certain generous donation of property by Sir Edward Waterfield Hayward and Lady Ursula Hayward to the State of South Australia; and for purposes incidental thereto.

[Assented to 5th August, 1971]

WHEREAS Sir Edward Waterfield Hayward and Lady Ursula Hayward have by deed dated the twelfth day of June, 1970, and subsequent testamentary instruments, evinced a desire that, subject to certain conditions, a property known as "Carrick Hill" at Springfield in this State should upon the death of Sir Edward Waterfield Hayward vest in the Crown in right of this State for certain purposes beneficial to the public interest: AND WHEREAS the Premier has, on behalf of the Government of the State accepted this generous donation: AND WHEREAS it is expedient in the public interest that the following provisions be enacted: BE IT THEREFORE ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

Preamble

1. This Act may be cited as the "Carrick Hill Vesting Act, 1971".

Short title.

2. In this Act—

Interpretation.

"Carrick Hill" means the residence and grounds known as "Carrick Hill" situated at Springfield being the whole of the land comprised in Certificates of Title Register Book Volume 1718 Folio 159 and Volume 2500 Folio 57, or in any Certificates of Title which may be issued in substitution therefor, and any other property to which the deed applies

that is, at the death of Sir Edward Waterfield Hayward such as would, assuming the creation of the trusts contemplated by the deed, be subject to a trust for the State of South Australia:

“the Crown” means the Crown in right of the State.

“the deed” means the deed executed by Sir Edward Waterfield Hayward and Lady Ursula Hayward, dated the twelfth day of June, 1970, and lodged in the General Registry Office at Adelaide numbered 329 of 1971.

Vesting of
Carrick Hill
in the Crown.

3. (1) Upon the death of Sir Edward Waterfield Hayward the real and personal property constituting Carrick Hill shall vest in the Crown.

(2) The real property referred to in subsection (1) of this section shall vest in the Crown for an estate in fee simple and the Registrar-General shall, upon the application of the Treasurer and upon production of the appropriate duplicate certificates of title, make such entries or notations as may be necessary or expedient in consequence of the provisions of this section.

(3) The Treasurer shall not make the application referred to in subsection (2) of this section until payment has been made, to the satisfaction of the trustees of the estate of Lady Ursula Hayward and the trustees of the estate of Sir Edward Waterfield Hayward, respectively—

(a) of the moneys directed to be paid by him to the trustees of the estate of Lady Ursula Hayward pursuant to subsection (1) of section 5 of this Act;

and

(b) of the moneys directed to be paid by him to the trustees of the estate of Sir Edward Waterfield Hayward pursuant to subsection (2) of that section.

Carrick Hill
to be held and
maintained as
a residence for
the Governor.

4. Upon and after the day on which Carrick Hill is vested in the Crown, the Government of the State shall hold and maintain Carrick Hill as a residence for the Governor.

Treasurer to
pay amounts
contemplated
by the will of
Lady Ursula
Hayward.

5. (1) Not later than the expiration of two months after being notified in writing by the trustees of the estate of Lady Ursula Hayward of the assessment thereof respectively, the Treasurer shall pay to such trustees a sum or sums equal to the total of all South Australian Succession Duty and Commonwealth Estate Duty (if any) paid or payable by such trustees or by that estate upon or in

respect of her share in the real and personal property constituting Carrick Hill or any part thereof or any interest therein or in any part thereof and of the interest and additional duty (if any) paid or payable by such trustees or by that estate on or in respect of the whole or any part of any such duties.

(2) Not later than the expiration of six months after the death of Sir Edward Waterfield Hayward or of two months after being notified in writing by the trustees of the estate of Sir Edward Waterfield Hayward of the assessment thereof respectively (whichever shall be the later) the Treasurer shall pay to such trustees a sum or sums equal to the total of all South Australian Succession Duty and Commonwealth Estate Duty (if any) paid or payable by such trustees or by that estate upon or in respect of his share in the real and personal property constituting Carrick Hill or any part thereof or any interest therein or in any part thereof and of the interest and additional duty (if any) paid or payable by such trustees or by that estate on or in respect of the whole or any part of any such duties.

(3) For the purposes of this section—

(a) a payment by the Treasurer to the Commissioner of Succession Duties of any sum payable by way of South Australian Succession Duty by the estate of Lady Ursula Hayward or the estate of Sir Edward Waterfield Hayward or the trustees of either of those estates in respect of her or his share in the real and personal property constituting Carrick Hill or any part thereof or any interest therein or in any part thereof and of the interest and additional duty (if any) payable by such trustees or by that estate on or in respect of such duty shall be deemed to be a payment by the Treasurer of that sum to the trustees of that estate;

and

(b) a payment by the Treasurer to the Commonwealth Deputy Commissioner of Taxation for the State of South Australia of any sum payable by way of Commonwealth Estate Duty by the estate of Lady Ursula Hayward or the estate of Sir Edward Waterfield Hayward or the trustees of either of those estates in respect of her or his share in the real and personal property constituting Carrick Hill or any part thereof or any interest therein or in any part thereof and of the interest and additional duty (if any) payable by such trustees or by that estate on or in respect of such duty shall be deemed to be a payment by the Treasurer of that sum to the trustees of that estate.

(4) This Act shall without further appropriation be sufficient authority for the payment of the sums referred to in subsections (1) and (2) of this section out of the general revenue of the State.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

J. W. HARRISON, Governor.