

## FIRST SCHEDULE.

## GRANTS OUT OF THE CONSOLIDATED REVENUE FUND.

	£
Under Act No. 9 of 1917	750,000
Under Act No. 11 of 1917	4,356,186
Under Act No. 38 of 1917	3,487,200
Under Act No. 1 of 1918	1,211,615
Under Act No. 2 of 1918	2,284,037
	£12,089,038

## [SECOND SCHEDULE.]

## KALGOORLIE TO PORT AUGUSTA RAILWAY LANDS.

### No. 4 of 1918.

An Act relating to Lands required for the purposes  
of the Kalgoorlie to Port Augusta Railway.

[ Assented to 16th May, 1918. ]

**B**E it 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 *Kalgoorlie to Port Augusta Railway Lands Act 1918*.

Definitions.

2. In this Act, unless the contrary intention appears—

“land held under a lease” means land held under any lease or licence from the Crown ;

“lessee” means the holder of land held under a lease ;

“the Agreements” means the agreements between the Commonwealth and the States of South Australia and Western Australia set out in the Schedule to this Act ;

“the Commissioner” means the Commonwealth Railways Commissioner appointed under the *Commonwealth Railways Act 1917* ;

“the Minister” means the Minister for the time being administering this Act ;

“the Railway” means the Kalgoorlie to Port Augusta Railway, and includes all stations, sidings, buildings, works, and erections and all lands on which they are constructed and all lands used for the purposes of or in connexion with the Railway.

Vesting of  
Railway in  
Commissioner.

3.—(1) The Railway shall be deemed to be vested in the Commissioner notwithstanding that a grant under the Agreements has not been issued.

(2.) Nothing in this section shall be deemed to give to the Commissioner or the Commonwealth, after a grant has been issued under the Agreements and accepted by the Commonwealth, any greater interest in the lands included in the grant than is given by the grant.

4. Where any land held under a lease is required by the Commissioner for the purposes of the Railway the Commissioner may, by notice in the *Gazette*, specify the part or parts of the land included in the lease which are required, and thereupon the lease shall be deemed to be determined so far as the land so specified is concerned and the land so specified shall be deemed to be vested in the Commissioner.

Lands held under lease.

5.—(1.) Any lease affected by this Act shall continue in force as if this Act had not been passed so far as regards the remainder of the lands included in the lease, and the rent payable in respect of the land comprised in the lease shall be apportioned between the part of the land deemed by this Act to be vested in the Commissioner and the remainder of the lands included in the lease.

Continuance of leases affected by this Act. Cf. No. 13 1906. s. 56.

(2.) The apportionment shall be settled by agreement between the lessor and the lessee, or by a Justice of the High Court acting as arbitrator.

(3.) After the apportionment has been settled—

- (a) the lessee shall as to all future accruing rent be liable only to the rent apportioned in respect of the remainder of the land included in the lease;
- (b) the lessor shall as against that remainder have the same rights and remedies for the rent so apportioned as he had, previously to the apportionment, for the whole rent; and
- (c) all covenants, conditions and agreements in the lease (except as to the amount of rent) shall remain in force with regard to that remainder.

6. Any person who has, by virtue of this Act, been deprived of any portion of the lands included in a lease shall be entitled to compensation in accordance with this Act.

Compensation in respect of leases.

7. The compensation payable under this Act shall be in respect of—

Basis of compensation.

- (a) the value of the interest of the lessee in the land of which he has been deprived as on the nineteenth day of September One thousand nine hundred and eleven, and
- (b) the depreciation (if any) in the remainder of the land subject to the lease arising from the partial determination of the lease.

8.—(1.) Compensation payable under this Act shall bear interest at the rate of three per centum per annum for the period for interest hereinafter set forth.

Rate and period of interest.

(2.) The period for interest shall commence on the date of the publication in the *Gazette* of the notice specified in section four of this Act.

(3.) The period for interest shall expire—

- (a) on the date when payment of compensation is made to the claimant; or
- (b) in the event of there being a dispute between the Commissioner and the claimant as to the amount of compensation and the arbitrator awarding an amount not greater than the highest amount offered by the Commissioner in satisfaction of the claim—on the date when the offer is made to the claimant.

Enhancement in value of leased lands.

9. Where any enhancement in value of the remainder of the land included in a lease has arisen by reason of the construction of the Railway, the amount of such enhancement shall be deducted from the compensation payable to the lessee.

Service of claims.

10. Claims for compensation shall be made in writing, shall be served upon the Commissioner and shall be in such form and contain such particulars as are prescribed.

Time for making claims.

11.—(1.) Subject to this Act no claim for compensation shall be entertained unless the claim is served upon the Commissioner within six months after the publication in the *Gazette* of a notification, under section four of this Act, relating to the land in respect of which the claim is made.

(2.) The Commissioner may, if he is satisfied that the circumstances of any particular case warrant such action, allow such further time as he considers reasonable for the service of a claim.

Settlement of disputes.

12. In the event of a dispute between the Commissioner and any claimant as to the amount of compensation payable under this Act, the Minister may refer the matter to a Justice of the High Court, who shall act as arbitrator, and his decision shall be final and conclusive and without appeal.

Excess of enhancement over depreciation to be paid to Commissioner.

13. Where any claim for compensation has been referred to the arbitrator in accordance with this Act and the arbitrator finds that the enhancement in value of the remainder of the lands included in the lease, arising by reason of the construction of the railway, exceeds the compensation payable under this Act, the arbitrator may order the claimant to pay to the Commissioner the amount by which the enhancement exceeds the compensation.

States not to claim compensation.

14. Nothing in this Act shall be deemed to confer upon a State the right to claim compensation in respect of anything arising under this Act.

Application of State law as to arbitration.

15. For the purposes of this Act the provisions of the law of the State of South Australia relating to arbitration shall apply as far as applicable to any arbitration under this Act.

Regulations.

16. The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters which are required or permitted to be prescribed, or which are necessary or convenient to be prescribed, for carrying out or giving effect to this Act.

## THE SCHEDULE.

AGREEMENT made between the State of South Australia of the first part, the State of Western Australia of the second part, and the Commonwealth of Australia of the third part, whereby it is severally agreed as follows :—

1. That in consideration of the Commonwealth undertaking to construct the Kalgoorlie to Port Augusta Railway under the *Kalgoorlie to Port Augusta Railway Act* 1911, the State of South Australia agrees to grant to the Commonwealth without further consideration, subject however to the provisions of the *Transcontinental Railway Land Grant Act* 1911 of the State of South Australia, a strip of Crown Land one-eighth of a mile in width on either side of the said Railway throughout the whole length of the said Railway in South Australia (except Town and Park Lands), and agrees, subject to the passing of the necessary authority by legislation and subject to the provisions of such legislation, to grant to the Commonwealth without further consideration such other lands as the Governor of the State of South Australia is thereby empowered to grant; the expression other lands to include lands for water catchment and conservation.

2. That in consideration of the Commonwealth of Australia undertaking to construct the Kalgoorlie to Port Augusta Railway under the *Kalgoorlie to Port Augusta Railway Act* 1911, the State of Western Australia agrees to grant to the Commonwealth without further consideration, subject however to the provisions of the *Transcontinental Railway Act* 1911 of the State of Western Australia, the following waste lands of the Crown, namely :—a strip along the whole length of the Railway in Western Australia a quarter of a mile wide generally, an area of six hundred and forty acres at Kurramia, an area of fifty acres at Bulong, and additional areas for water conservation as and when required.

3. The grants of the Lands in pursuance of this agreement are to be for an estate in fee simple of the surface of the land, and the land below the surface to a depth of one hundred and fifty feet, but no mining operations shall be carried on under the land without the approval of the Executive Government of the Commonwealth.

4. That the Commonwealth undertakes to commence and proceed with the construction of the railway as soon as reasonably may be after this agreement has been executed on behalf of the said States of South Australia and Western Australia respectively.

5. That the States of South Australia and Western Australia severally authorize the Commonwealth to enter upon and occupy such Crown lands or waste lands of the Crown as may be necessary for the purposes of the construction of the railway and to proceed with such construction as if the lands agreed to be granted by the said States respectively had been actually granted to the Commonwealth.

Signed by the Governor of the State of South Australia, 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 fourteenth day of November, 1912.

(L.S.)

DAY H. BOSANQUET,

Governor of South Australia.

By Command,

A. H. PEAKE.

Signed by the Governor of the State of Western Australia, 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-first day of December, 1912.

(L.S.)

G. STRICKLAND,

Governor of Western Australia.

By Command,

J. SCADDAN.

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 twenty-fifth day of October, 1912.

(L.S.)

DENMAN,

Governor-General.

By Command,

KING O'MALLEY.

THE SCHEDULE—*continued.*

AGREEMENT made between the State of Western Australia of the first part and the Commonwealth of Australia of the second part witnesseth as follows:—

Whereas by an agreement made between the State of South Australia of the first part, the State of Western Australia of the second part, and the Commonwealth of Australia of the third part, it was provided that, in consideration of the Commonwealth of Australia undertaking to construct the Kalgoorlie to Port Augusta Railway under the *Kalgoorlie to Port Augusta Railway Act* 1911, the State of Western Australia agreed, (*inter alia*) to grant to the Commonwealth without further consideration, subject however to the provisions of the *Transcontinental Railway Act* 1911 of the State of Western Australia, an area of six hundred and forty acres at Kurramia and an area of fifty acres at Bulong:

And whereas the State of Western Australia and the Commonwealth have agreed to substitute an area of land at Parkeston, near Kalgoorlie, described in the schedule hereto in lieu of the said areas at Kurramia and Bulong:

Now this agreement witnesseth that the State of Western Australia agrees to grant to the Commonwealth, without further consideration, subject however to the provisions of the *Transcontinental Railway Act* 1911 of the State of Western Australia, an area of land at Parkeston, near Kalgoorlie, described in the said schedule, such area to be in lieu of the area of six hundred and forty acres at Kurramia and the area of fifty acres at Bulong as provided in the said recited agreement. And that the Commonwealth agrees to accept the said area at Parkeston, near Kalgoorlie, described in the said schedule in lieu of the said areas at Kurramia and Bulong.

Signed by the Governor of the State of Western Australia, 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 ninth day of September, 1914.

(L.S.)

HARRY BARRON,  
Governor of Western Australia.

By Command,

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 fifteenth day of May, 1913.

(L.S.)

DENMAN,  
Governor-General.

By Command,

KING O'MALLEY.

## THE SCHEDULE [to the above agreement].

## DESCRIPTION OF LAND AT PARKESTON, NEAR KALGOORLIE.

All that piece or parcel of land containing 676 acres 2 roods, more or less, at Parkeston, near Kalgoorlie, State of Western Australia, Commonwealth of Australia, shown hachured on plan hereunder.

Commencing at the intersection of the northern side of Gladstone-street and the eastern side of Paulin-street, in the townsite of Parkeston; thence by the eastern side of Paulin-street bearing 359 deg. 59 min. 55 secs. 2,255·8 links to its intersection with the production easterly of Riordan-street; thence by that production being a line bearing 270 deg. 0 min. 10 secs. 100 links to the south-eastern corner of lot 12 of the said townsite; thence by the eastern boundaries of lots 12, 11, and 10 bearing 0 deg. 0 min. 20 secs. 1,143 links to the north-eastern corner of lot 10; thence by the northern boundaries of lots 10 and 7, bearing 270 deg. 0 min. 10 secs. 1,914·6 links to the north-western corner of lot 7; thence by the western boundaries of lots 7 and 8 bearing 180 deg. 0 min. 20 secs. 762 links to the south-western corner of lot 8; thence by the southern boundary of lot 8 bearing 90 deg. 0 min. 10 secs. 957·3 links and the western boundary of lot 12, bearing 180 deg. 0 min. 20 secs. 381 links to the northern side of Riordan-street; thence by part of that side of Riordan-street to a one-chain road, across that road and again further, bearing 270 deg. 0 min. 10 secs. for a total of 2,652·5 links to the eastern side of a one chain road; thence by that side of that road bearing 0 deg. 0 min. 20 secs. 1,142·5 links; thence by lines bearing 316 deg. 32 min. 30 secs. 1,421 links, 313 deg. 28 min. 50 secs. 380·6 links, and 254 deg. 27 min.

THE SCHEDULE—*continued.*

25 secs. 1,514·85 links to the south-eastern side of Kanowna-road; thence by part of that side of Kanowna-road bearing 40 deg. 6 min. 25 secs. 6,600·23 links; thence by a line bearing 133 deg. 31 min. 15 secs. 17,582·8 links to a point on the northern side of Bulong-road, being the south-western corner of M.H.L. 66 E.; thence by part of that side of Bulong-road bearing 272 deg. 5 min. 55 secs. 5,879·5 links; thence by a line bearing 312 deg. 29 min. 35 secs. 2,320·2 links to the eastern boundary of the Parkeston townsite; thence by part of that boundary bearing 359 deg. 58 min. 50 secs. 991·56 links to its intersection with the production easterly of the northern side of Gladstone-street; thence by that production and the northern side of Gladstone-street bearing 269 deg. 58 min. 25 secs. 2,992·2 links to the commencing point.

(In the original of the agreement a plan of the land above referred to is here set forth).

## LANDS ACQUISITION (DEFENCE).

## No. 5 of 1918.

An Act to enable the Commonwealth to acquire certain Lands for Defence purposes.

[Assented to 28th May, 1918.]

**B**E it 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 *Lands Acquisition (Defence) Act 1918.* Short title.

2. Notwithstanding anything contained in the definition of "land" in section five of the *Lands Acquisition Act 1906-1916*, the Commonwealth may acquire under that Act so much of the land described in the Schedule to this Act as consists of a public park vested in or under the control of a municipal or local authority and dedicated to or reserved for the recreation of the people.

Power to acquire land described in Schedule.

## THE SCHEDULE.

All that piece or parcel of land in the municipality of Leichhardt, at Long Cove, city of Sydney, parish of Petersham, county of Cumberland, State of New South Wales, Commonwealth of Australia: Commencing at the intersection of a southern side of Canal-road with the south-western side of Charles-street: thence by part of the south-western side of Charles-street, bearing 166 degs. 29 mins. to its intersection with the south-eastern side of Recreation-street, being also the north-western