



ANNO SECUNDO

GEORGII V REGIS.

A.D. 1911.

No. 1069.

An Act to authorise the Grant to the Commonwealth of Australia of Lands for the purposes of a Railway to be constructed by the said Commonwealth from Kalgoorlie, in the State of Western Australia, to Port Augusta, in the State of South Australia.

[*Assented to, January 4th, 1912.*]

WHEREAS by "The Northern Territory Surrender Act, 1907," Preamble.
the State of South Australia has consented to and authorised the construction by the Commonwealth of Australia of a railway westerly from any point on the Port Augusta Railway through the said State to any point on the western boundary of the said State by a route to be determined by the Parliament of the said Commonwealth: And whereas by the Act of the said Commonwealth entitled the "Kalgoorlie to Port Augusta Railway Act, 1911," the construction by the said Commonwealth of a railway from Kalgoorlie, in the State of Western Australia, to Port Augusta, in the State of South Australia, is authorised—Be it therefore Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. This Act may be cited as "The Transcontinental Railway Short title.
Land Grant Act, 1911."

2. (1) This Act shall come into force on a date to be fixed Commencement of Act.
by the Governor by Proclamation published in the *Government Gazette*.

The Transcontinental Railway Land Grant Act.—1911.

(2) Such proclamation shall not be made until the condition mentioned in subsection (1) of section 3 of the said Kalgoorlie to Port Augusta Railway Act—namely, that an Act of the said State of Western Australia be passed consenting to legislation by the said Commonwealth with respect to the construction of the portion of the said railway included in the State of Western Australia or consenting to the construction of that portion of the said railway by the said Commonwealth—has been fulfilled.

Crown lands may be granted to the Commonwealth for purposes of the Kalgoorlie to Port Augusta Railway.

3. Notwithstanding any Act or other law to the contrary, it shall be lawful for the Governor to grant, to the satisfaction of the Minister of State for Home Affairs of the said Commonwealth, such portions of the Crown lands and lands belonging to the Crown in the State of South Australia as in the opinion of the said Minister, stated in writing signed by him and received by the Governor, are necessary for the purposes of the construction, maintenance, and working of the said railway: Provided that any lands so granted without consideration—

- i. Shall not exceed one-eighth of a mile in width on either side of the said railway ; and
- ii. Shall not include any town lands:

Provided also that if any lands granted under this Act are afterwards proclaimed a town or township the title of the said Commonwealth to such lands shall thereupon become forfeited, and such lands shall revert to the State of South Australia and be Crown lands thereof.

Extent and conditions of such grants.

4. Any grant made by virtue of this Act—

- (a) Shall be made to the said Commonwealth, or to such person as is nominated in that behalf by the said Minister ;
- (b) May be in fee simple or for such other estate or interest as is required by the said Minister ;
- (c) May be made either for such consideration as is agreed between the Governor and the said Minister or without any consideration, and either absolutely or upon such terms and conditions as are agreed between the Governor and the said Minister ;
- (d) May be of the whole of the land, or of the surface thereof and any specified depth below the surface, or of the surface only ; and
- (e) Shall be subject to all estates and interests of any persons, other than the Crown or any persons on behalf of the Crown, in the land, all which estates and interests the said Commonwealth is hereby authorised to acquire under the Act of the said Commonwealth entitled the “Lands Acquisition Act, 1906,” or any amendment thereof, or under any other Act which may be in force in that behalf.

5. All

The Transcontinental Railway Land Grant Act.—1911.

5. All such assurances shall be executed, and all such other acts and things shall be done, by the proper authorities and persons, as may be necessary for completing or evidencing the title to any lands granted by virtue of this Act, and for carrying into effect the purposes of this Act.

Necessary assurances
and acts to be executed
and done.

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

DAY H. BOSANQUET, Governor.