

VICTORIA.



ANNO QUARTO DECIMO

ELIZABETHÆ SECUNDÆ REGINÆ

No. 7243.

An Act to authorize the Construction of an Extension
to the Altona Railway, and for other purposes.

[5th May, 1965.]

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 Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say):—

1. This Act may be cited as the *Altona Railway Extension Act 1965*. Short title.

2. In this Act unless inconsistent with the context or subject-matter— OR Interpretation.

- “Board” means the Railway Construction Board. “Board.”
- “Commissioners” means The Victorian Railways Commissioners. “Commissioners.”
- “Land” includes all real estate messuages lands tenements and hereditaments of any tenure and easements rights or privileges in over or affecting land. “Land.”

3. (1) The Board is hereby authorized to make and construct a five feet three inches gauge railway and all proper works and conveniences in connexion therewith in the line and upon the lands described in the Schedule to this Act. Power to Board to construct railway.
Schedule.

(2) It

Provision for deviation.

(2) It shall be lawful to deviate from the line of the said railway on either side thereof at any part thereof ; and in consequence of such deviation the said line may be increased in length to an extent of not more than one-tenth of the length of the line as shown in the said Schedule.

Non application of No. 6354.

4. The said railway shall not be subject to the provisions of the *Railway Lands Acquisition Act* 1958.

Power to enter upon lands and construct railway.

5. (1) For the purposes of this Act it shall be lawful for the Board its successors deputies agents and workmen and all other persons by it authorized, without making any previous payment or having the previous consent of the owner or occupier, to enter into and upon any land and to survey and take levels of the same and to ascertain and stake or set out take possession of use and acquire by agreement or compulsorily such parts thereof as the Board deems necessary and proper for the construction of the railway works and conveniences authorized by this Act and in or upon any such land to exercise all or any of the powers conferred on the Board by section forty-six of the *Railways Act* 1958.

(2) For the purposes of this Act the Board may close divert take and use any road or portion of a road.

(3) In the exercise of the powers granted by this Act the Board and other persons shall do as little damage as may be.

Incorporation of No. 6286.

6. (1) The *Lands Compensation Act* 1958 is hereby incorporated with this Act and shall be construed together herewith as one Act and subject to this Act shall take effect with regard to the acquisition or use of land for the purpose of the construction of the railway works and conveniences authorized by this Act and with regard to the making of compensation to all persons interested in any lands or hereditaments to be acquired for or used in connexion with or injured or prejudicially affected by such works or by other land of the same person being severed therefrom.

(2) In the construction of the *Lands Compensation Act* 1958 for the purposes of this section unless inconsistent with the context or subject-matter the words "the special Act" shall mean this Act and the words "the Minister of Public Works" and "the Minister" shall mean the Board.

Power to shire council to acquire land for railway.

7. Notwithstanding anything in section five of this Act the council of the shire of Altona may without cost or expense to the Board purchase or take and transfer to the Board free of all encumbrances (except necessary easements of sewerage) any land within the municipal district of the said shire which may be required by the Board for the purposes of

this

this Act and notwithstanding anything in section six of this Act the provisions of the *Local Government Act* 1958 shall apply to and in relation to the purchase or taking of the said land by the said council as if the purchase or taking were pursuant to an agreement entered into by the said council with the Commissioners under Part XLV. of the said Act.

8. On the said line of railway neither the Board nor the Commissioners shall be bound to erect or contribute to the erection of any dividing or other fence or to erect gates or to employ gatekeepers at any public or occupation road crossing, nor shall the Board or the Commissioners be liable for any damage which may be caused by the absence of gates or of gatekeepers at the said crossings or by reason of such railway not being fenced in or fenced off.

Board or
Commissioners
not bound to
fence &c.

9. All laws by-laws regulations and conditions for the time being in force on the railways vested in the Board or the Commissioners shall so far as the same are capable of being applied be in force on the railway authorized by this Act to be constructed.

Laws by-laws
&c., to be in
force.

10. Nothing in this Act shall affect or in any manner alter or vary any of the provisions of the *Audit Act* 1958 or any Act relating to Crown Lands.

Audit Act and
Land Act not
affected.

SCHEDULE.

ALTONA RAILWAY EXTENSION.

Section 3.

Commencing at or near Altona railway station on the Altona railway line in the parish of Truganina, and proceeding in a generally westerly direction through the said parish for about one mile terminating at Maidstone-street, Altona in the parish of Truganina, all in the County of Bourke.
