

An Act to authorize the Construction by
the State of a Line of Railway from
Piangil to Pine Tank.

[31st December, 1918.]

BE it enacted by the King'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 *Piangil to Pine Tank* Short title.
Railway Construction Act 1918.

2. In this Act unless the context otherwise requires— Interpretation.

“ Board ” means the Board of Land and Works.

“ Commissioners ” means the Victorian Railways
Commissioners.

“ Land ” includes all real estate messuages lands
tenements hereditaments and easements of any
tenure.

“ Line ” means line of railway.

3. (1) It

Power to make
Piangil to
Pine Tank
Railway.
Schedule.

3. (1) It shall be lawful for the Board to make and construct the following railway in the line and upon the lands described in the Schedule to this Act and within any deviation thereof as herein provided and all proper works and conveniences in connexion therewith (that is to say) :—

Piangil to
Pine Tank
Railway.

A five feet three inches gauge railway commencing at the termination of the Swan Hill to Piangil Railway at or near Piangil Railway Station in the parish of Piangil and terminating in or near a water reserve situated on the east side of allotment 14 in the parish of Mirkoo all in the county of Tatchera in the line and upon the lands described in the Schedule to this Act, to be called the Piangil to Pine Tank Railway.

chedule.

(2) The said line shall not be subject to the provisions of the *Railway Lands Acquisition Act 1915*.

No. 2715.

Limit of
deviation.
Schedule.

4. It shall be lawful to deviate from the said line on either side thereof at any part thereof as provided for in and by such Schedule; 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 entire length of such line as described in such Schedule.

Limit of
expenditure.

5. (1) The expenditure for the construction of the said line of railway shall not exceed Sixty-five thousand six hundred and fifty pounds including Three thousand two hundred and fifty pounds for rolling-stock.

Use of second-
hand rails.

(2) In order to secure that the said line be constructed within the said limit of expenditure serviceable second-hand rails may be used.

Wages.

(3) The prices to be paid to workmen in the construction of the line shall upon the average be equal to a wage of Ten shillings per day of eight hours.

Lands being
included in
Schedule &c. to
confer no right
to require line
to pass through
such lands or to
compensation.
Schedule.

6. Notwithstanding that the land of any owner or occupier may be described in the Schedule to this Act as the land through or near to which the said line is intended to pass no right or claim shall be conferred upon any such owner or occupier to require that any such line should so pass through or near to such land or other land of such owner or occupier, and no deviation from any such line or route whether such deviation be made under the authority

authority of this or any other Act shall entitle any such owner or occupier to compensation therefor.

7. 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 the land of any person whomsoever and to survey and take levels of the same and to ascertain and stake or set out take possession of use and appropriate such parts thereof as the Board deems necessary and proper for the laying out making constructing maintaining altering repairing and using the said line and all other works matters and conveniences connected therewith, and in or upon such land to exercise all or any of the powers conferred on the Board by section forty-six of the *Railways Act* 1915, and in or upon such land or any land within two miles of such line to make construct and use any permanent or temporary road or tramway upon over or through the same for the purpose of conveying earth stone timber gravel sand or any materials or things which the Board deems proper or necessary for laying out making constructing maintaining altering repairing and using such railway. In the exercise of the powers by this Act granted the Board and other persons shall do as little damage as may be.

Power to enter upon lands and construct railway.

No. 2716 s. 46.

8. No contract shall be entered into or expenditure made for the construction of the said line of railway until such contract or expenditure has been previously approved in writing by the Treasurer of Victoria.

Treasurer's approval of contract or expenditure required.

9. Notwithstanding anything in any Act contained no person shall be entitled to receive or shall receive from the Board or the Commissioners or the Government of Victoria any purchase money for any land required for the said line or any compensation in respect of any land required to be used in connexion with or likely to be prejudicially affected by the construction of the said line or in consequence of any part of such line being laid out made constructed maintained altered repaired or used on any road.

No purchase money or compensation payable by Board Commissioners or Government.

10. The land to be taken or used for the said line shall not exceed one hundred yards in width, except for any station or where a greater width shall be judged by the Board necessary for waggons and other carriages to turn remain

Breadth of land for railway.

remain stand in lie or pass each other, or for raising embankments for crossing valleys or low grounds, or in cutting through high ground, or for the erection or establishment of any fixed or permanent machinery toll-house warehouse wharf or other erection and buildings, or for excavating removing or depositing earth or other materials, or for making any reservoir for storing water for the use of the said railway or as a precaution against the spread of fire.

Board need not fence &c.

11. On the said line 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 gatekeepers at the said crossings or by reason of such line not being fenced in or fenced off.

Power to construct reservoirs and to use roads.

12. The Board may enter into and take and use any land for the construction of any reservoir aqueduct pipe track or for any proper work or convenience in connexion with the said line and may take and use any road for laying out making constructing maintaining altering repairing and using any part of any such line.

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

13. All laws by-laws regulations and conditions for the time being in force on the railways vested in the Board or in 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.

Audit and Land Acts not affected.

14. Nothing in this Act shall affect or in any manner alter or vary any of the provisions contained in the *Audit Act 1915* or any Acts relating to Crown lands.

Sections 3, 4, 6.

SCHEDULE.

Commencing at the termination of the Swan Hill to Piangil Railway at or near Piangil railway station in the parish of Piangil and extending thence for about fifteen miles and three-quarters of a mile in a north-westerly direction through the parishes of Piangil, Coonimur, and Burra into the parish of Mirkoo, and terminating in or near a water reserve situated on the east side of allotment 14 in the parish of Mirkoo, being all in the county of Tatchera, subject to such deviations and modifications as may be considered desirable by the Board.

No. 2979.