

VICTORIA.



ANNO TERTIO

GEORGII QUINTI REGIS,

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No. 2417,

An Act to authorize the Construction by the State  
of a Line of Railway from Swan Hill to Piangil.

[23rd December, 1912.]

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 *Swan Hill to Piangil* Short title.  
*Railway Construction Act 1912.*

2. In this Act unless the context otherwise requires—

Interpretation,

“ Board ” means the Board of Land and Works.

“ Commissioners ” means the Victorian Railways Com-  
missioners.

“ 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  
Swan Hill to  
Piangil  
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):—

Swan Hill to  
Piangil  
Railway.

A five feet three inches gauge railway commencing at the termination of the Kerang and Swan Hill Railway in the township of Castle Donnington (Swan Hill) and terminating in or near Crown allotment one hundred and forty-four of the parish of Piangil in the county of Tatchera in the line and upon the lands described in the Schedule to this Act, to be called the Swan Hill to Piangil Railway.

Schedule.

Nos. 1288, 1596,  
and 1605.

(2) The said line shall be deemed to be a line of railway in a country district within the meaning of Part I. of the *Railway Lands Acquisition Act* 1893 and subject to the provisions of the *Railway Lands Acquisition Acts*.

Limit of deviation.

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 Ninety-five thousand seven hundred and seventy-three pounds, including Five thousand eight hundred and twenty-six pounds for rolling-stock.

(2) The prices to be paid to workmen in the construction of the line shall upon the average be equal to a wage of Nine 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.

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

Power to enter upon  
lands and construct  
railways.

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

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 fourteen of the *Railways Act* 1891, 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 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.

No. 1250.

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 made constructed maintained 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 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.

Breadth of land for railway.

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.

Board need not fence &c.

12. The

Reservoirs may be constructed.

Roads may be used.

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

Local rates to be charged on railway.  
No. 1288 s. 77.  
No. 1807.

When sub-section (1) to cease to apply.

Special rates.

Audit and Land Acts not affected.

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 making constructing using and maintaining any part of any such line.

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.

14. (1) When the said line is opened for traffic the amount of the fares for passengers and rates for live stock goods and merchandise carried thereon shall in all cases be calculated as though such line of railway were detached and separate from other lines of railway, and subject to the provisions of the *Railway Local Rates Abolition Act 1902* so far as such line is concerned no reduction shall be made in the fares and rates chargeable in respect of passengers live stock goods or merchandise carried over such railway by reason of their being carried over other railways vested in the Commissioners.

(2) Whenever it appears that the traffic receipts from the said line have paid for the cost of maintaining and working such line from the date of the opening of the same for traffic and have also paid full interest at the rate of Four pounds per centum per annum on the cost of construction of the line and of rolling-stock then if it appears from any report of the Commissioners that the traffic receipts on such line are likely to continue in the future to pay such interest and such cost of maintaining and working the Governor in Council may direct that the provisions of sub-section (1) of this section shall cease to apply to such line.

15. Notwithstanding the rate of the amount of fares for passengers and charges for the carriage of live stock goods and merchandise carried on the line it shall be lawful for the Commissioners to make by-laws fixing special rates of fares and charges as aforesaid in order to prevent a loss accruing to the Commissioners from the working of the said line.

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

SCHEDULE.

**SCHEDULE.**

Section 3.

**SWAN HILL TO PIANGIL RAILWAY.**

Commencing at the termination of the Kerang and Swan Hill Railway at or near Swan Hill railway station in the Township of Castle Donnington (Swan Hill) and proceeding thence for about twenty-seven miles and one-half first in a north-westerly direction through the Parish of Castle Donnington into the Parish of Woorinen, passing near the northern boundary of Crown Allotment 18 of that Parish, thence again in a north-westerly direction through the Parish of Woorinen into the Parish of Tyntynder West passing through or near the south-west corner of Allotment 1 of that Parish, thence again in a north-westerly direction through the Parish of Tyntynder West passing through or near the north-east corner of Allotment 10 of that Parish, thence again in a northerly direction through the Parishes of Tyntynder North and Piangil and terminating in or near Crown Allotment 144 of the Parish of Piangil being all in the County of Tatchera, subject to such deviations and modifications as may be considered desirable by the Board.

**MELBOURNE:**

By Authority: **ALBERT J. MULLETT**, Acting Government Printer.