

No. 3152.

An Act to authorize the Construction by the State of Lines of Railway for Developmental Purposes from Port Fairy to Yambuk and from Won Wron to Woodside and for other purposes.

[21st December, 1921.]

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):—

Short title.

1. This Act may be cited as the *Port Fairy to Yambuk and Won Wron to Woodside Railways Construction Act 1921.*

Interpretation.

2. In this Act unless the context otherwise requires—

“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.

Power to make
Port Fairy to
Yambuk and
Won Wron to
Woodside
Railways.

First and
Second
Schedules.

Nos. 2717 &c.
Nos. 2640 &c.

3. (1) Notwithstanding anything in the Railways Standing Committee Acts or the Developmental Railways Acts it shall be lawful for the Board to make and construct the following railways for developmental purposes in the line and upon the lands described in the First and Second Schedules to this Act and within any deviations thereof as herein provided and all proper works and conveniences in connexion therewith (that is to say):—

Port Fairy to
Yambuk
Railway.

A five feet three inches gauge railway commencing at or near Port Fairy Railway Station on the Koroit and Belfast Railway in the township of Port Fairy in the parish of Belfast and terminating in

or

or near allotment two of Section E in the parish of Yambuk all in the county of Villiers in the line and upon the lands described in the First Schedule to this Act, to be called the Port Fairy to Yambuk Railway; and

First Schedule.

A five feet three inches gauge railway commencing at or near Won Wron Railway Station on the Alberton to Won Wron Railway in the parish of Wonwron and terminating in or near allotment twenty-seven of section one in the parish of Woodside all in the county of Buln Buln in the line and upon the lands described in the Second Schedule to this Act, to be called the Won Wron to Woodside Railway.

Won Wron to Woodside Railway.

Second Schedule.

(2) Each of the said lines shall be deemed to be a line of railway in a country district within the meaning of the Railway Lands Acquisition Acts and subject to the provisions of the said Acts.

Nos. 2715 &c.

(3) Notwithstanding anything in the Railway Lands Acquisition Acts the trustees of the Railway Construction Districts shall for the purposes of this Act consist—

Sec No. 2715 s. 19 (1).

- (a) for the Port Fairy to Yambuk Railway—of the members of the municipal council of the municipal district of Belfast together with the members of the municipal council of the municipal district of Minhamite who are councillors for the west riding of that district; and
- (b) for the Won Wron to Woodside Railway—of the members of the municipal council of the municipal district of Alberton only.

4. It shall be lawful to deviate from each of the said lines on either side thereof at any part thereof as provided for in and by the First and Second Schedules respectively to this Act; and in consequence of any such deviation each of the said lines may be increased in length to an extent of not more than one-tenth of the entire length of such lines as described in the said Schedules.

Limit of deviation.
First and Second Schedules.

5. (1) The expenditure for the construction of the said lines of railway shall not exceed—

Limits of expenditure.

- (a) in respect of the railway from Port Fairy to Yambuk—the sum of Eighty thousand pounds; and
- (b) in

(b) in respect of the railway from Won Wron to Woodside—the sum of Sixty-nine thousand pounds.

Expenditure
out of The
Developmental
Railways
Account.

Nos. 2640, 2767

Comp. No. 2878
s. 2.

(2) Notwithstanding anything in the Developmental Railways Acts or in any other Act a sum of not more than One hundred and forty-nine thousand pounds shall be paid out of the amount standing to the credit of the Trust Account kept in the Treasury and called “The Developmental Railways Account” in instalments as required from time to time to meet expenditure to be incurred under this Act until the lines authorized by this Act to be constructed are certified by the Chief Engineer for Railway Construction as complete instead of being dealt with in accordance with the provisions of the Developmental Railways Acts.

Temporary
advance out of
The Public
Account.

Comp. No. 3125
s. 2.

(3) If the amount standing to the credit of “The Developmental Railways Account” should at any time not be sufficient to meet the said expenditure there may from time to time be issued and applied temporarily out of “The Public Account” any sum or sums of money to meet expenditure authorized under this Act.

Repayment of
sums advanced.
Ib. s. 3.

(4) All sums so issued and applied under the next preceding sub-section shall be refunded and paid back into “The Public Account” by the Treasurer of Victoria out of “The Developmental Railways Account.”

Advances (if
any) out of
Trust Fund for
purposes of this
Act.

Ib s. 4.

(5) Notwithstanding anything in the *Trust Funds Act* 1897 or in any other Act where at the end of any financial year it is found that any sums issued and applied out of “The Public Account” pursuant to this section and not then repaid are in fact advances out of the Trust Fund—

No. 1531.

Comp. No. 2268
s. 4; No. 2432
s. 4; No. 2501
s. 2; No. 2550
s. 4; No. 2585
s. 4; No. 3125
s. 4.

Repayment.

(a) such sums shall be refunded and paid back into the Trust Fund as in the manner hereinbefore provided for the refunding and repayment into “The Public Account” of moneys issued and applied under this section; and

Interest.
See No. 2044
s. 2.

(b) any interest from time to time accruing in respect thereof shall be paid by the Trust Fund Trustees into the Consolidated Revenue and shall be applied by the Treasurer of Victoria towards the reduction of the Consolidated Revenue deficit or if there is for the time being no such deficit shall be placed by the said Treasurer to the credit of the Victorian Loans Redemption Fund.

6. Notwithstanding

6. Notwithstanding that the land of any owner or occupier may be described in the First or Second Schedules to this Act as the land through or near to which either of the said lines 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.

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

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 each of the said lines 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 railways. 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 railways.

No. 2716 s. 46.

8. In the case of each of the said lines no contract shall be entered into or expenditure made for the construction of the said line of railway until—

Preliminary conditions for contracts or expenditure.

- (a) the Board is satisfied that the construction of the line is likely to lead to considerable development of the district served by the encouragement of agriculture, industrial undertakings, or increased output of forest produce or promotion of successful settlement of discharged soldiers :
Provided

Provided that for the information of the Board in coming to a decision the Minister of Railways may call for such reports as he thinks fit ; and

(b) such contract or expenditure has been previously approved in writing by the Treasurer of Victoria.

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

9. Notwithstanding anything in any Act 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 lines or either of them 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 lines or either of them or in consequence of any part of any such line being laid out made constructed maintained altered repaired or used on any road.

Breadth of land for railway.

10. The land to be taken or used for each of the said lines 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 railways or either of them or as a precaution against the spread of fire.

Board need not fence &c.

11. On each of the said lines 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 lines or either of them 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

with the said lines or either of them and may take and use any road for laying out making constructing maintaining altering repairing and using any part of any such lines.

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 railways authorized by this Act to be constructed.

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

14. 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.

Audit and Land
Acts not
affected.

SCHEDULES.

FIRST SCHEDULE.

Sections 3, 4, 6.

PORT FAIRY TO YAMBUK RAILWAY.

Commencing at or near Port Fairy Railway Station in the township of Port Fairy in the parish of Belfast in the county of Villiers and proceeding thence for about $11\frac{1}{2}$ miles first in a westerly direction passing through the parish of Belfast and thence in a north-westerly direction through the parish of Yambuk and terminating in or near allotment two section E in the parish of Yambuk, all in the county of Villiers, subject to such deviations and modifications as may be considered desirable by the Board.

SECOND SCHEDULE.

Sections 3, 4, 6.

WON WRON TO WOODSIDE RAILWAY.

Commencing at or near Won Wron Railway Station in the parish of Wonwron in the county of Buln Buln and proceeding thence for about $9\frac{3}{4}$ miles first in an easterly direction passing through the parish of Wonwron thence in a south-easterly direction through the parishes of Boodyam, Bruthen, and Woodside, the township of Woodside, and terminating in or near allotment 27 of section 1 in the parish of Woodside, all in the county of Buln Buln, subject to such deviations and modifications as may be considered desirable by the Board.