# A BILL

To provide for the vesting of certain lands referred to in the Border Railways Act, 1922; to validate certain matters; to amend the Border Railways Act, 1922, and certain other Acts in certain respects; and for purposes connected therewith.

[Mr. L. O. Martin;—12 March, 1941.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of 5 the same, as follows:—

1. (1) This Act may be cited as the "Border Railways Short title. (Amendment) Act, 1941."

(2) The Border Railways Act, 1922, as amended by this Act, may be cited as the Border Railways Act, 10 1922-1941.

52145 480---

of Act No. 16, 1922.

### Border Railways (Amendment).

2. (1) The Border Railways Act, 1922, is amended— Amendment

(a) by omitting from section eight the words "in sec. 8. the Government of the State of Victoria for the (Resumppurposes of the agreement" and by inserting tion by Governor.) in lieu thereof the words "for the purposes of the agreement, in such corporation constituted by or under any Act of the Parliament of Victoria as may be nominated for the purpose by the Governor of Victoria.

The vesting under this subsection shall be effected by the conveyance or transfer by the Minister for Public Works of so much of the land resumed or acquired as is required for purposes of or incidental to the railway so

constructed."

5

10

15

20

25

30

(b) by inserting at the end of the same section the Sec. 8. following new subsection:—

New subsec. (2).

(2) Any land resumed or acquired under this section which is not required for purposes of or incidental to any railway constructed under the agreement may be sold, leased or otherwise dealt with under the Public Works Act, 1912, as amended by subsequent Acts, in all respects as if it were land taken under the provisions of that Act for an authorised work and not required for the purposes of any authorised work or may be reconveyed or retransferred to the persons entitled in full or part satisfaction of any claim for compensation in respect of the resumption or acquisition of the land.

In any sale made pursuant to this subsection an easement over or a right of using the whole or any part of the land sold may be reserved.

(2) Subsection one of this section shall be deemed 35 to have commenced on the first day of January, one thousand nine hundred and twenty-three.

3. (1) The provisions of section 157A of the Convey-Trustees ancing Act, 1919-1939, shall, mutatis mutandis, apply to and personal and in respect of any resumption or acquisition of land tives. 40 under the authority of section eight of the Border

Railways

Railways Act, 1922, whether such resumption or acquisition was made before or is made after the commencement of this Act.

- (2) For the purposes of such application, but not 5 otherwise, that section shall be deemed to be amended by omitting subsection seven and by inserting in lieu thereof the following subsection:
- (7) This section applies to resumptions made under the Border Railways Act, 1922, either before 10 or after the commencement of the Border Railways (Amendment) Act, 1941.
  - (3) Where any land has been resumed or acquired, either before or after the commencement of the Border Railways (Amendment) Act, 1941, under the Border
- 15 Railways Act, 1922, from a trustee or personal representative it shall be lawful for such trustee or personal representative or his successor in office to accept a reconveyance or a retransfer of the whole or any part of the land resumed or acquired in full or part satisfaction of
- 20 any claim for compensation arising out of such resumption or acquisition.
  - 4. For the purposes of any resumption or acquisition Validation. of land under the Border Railways Act, 1922, any notice of taking, purporting to have been given before the
- 25 commencement of this Act, under Division 2 of Part V of the Public Works Act, 1912, as amended by subsequent Acts, shall be deemed to have been duly given notwithstanding that the Governor had not directed that the land to which the notice relates should be acquired under that
- 30 Division, and the provisions of the Public Works Act, 1912, as amended by subsequent Acts, shall apply and shall be deemed always to have applied accordingly.

Sec.

parameter to principle of the control of the contro

This Public Bill originated in the Legislative Assembly, and, having this day passed, is now ready for presentation to the Legislative Council for its concurrence.

W. R. McCOURT,

Clerk of the Legislative Assembly.

Legislative Assembly Chamber, Sydney, 18 March, 1941.

## New South Wales.



ANNO QUINTO

# GEORGII VI REGIS.

Act No. , 1941.

An Act to provide for the vesting of certain lands referred to in the Border Railways Act, 1922; to validate certain matters; to amend the Border Railways Act, 1922, and certain other Acts in certain respects; and for purposes connected therewith.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of 5 the same, as follows:—

- 1. (1) This Act may be cited as the "Border Railways Short title. (Amendment) Act, 1941."
- (2) The Border Railways Act, 1922, as amended by this Act, may be cited as the Border Railways Act, 10 1922-1941.

52145 480---

(0)	by omitting from section eight the words "in
(a)	by omitting from section eight the words in
	the Government of the State of Victoria for the
	purposes of the agreement" and by inserting
	in lieu thereof the words "for the purposes of
	the agreement, in such corporation constituted

by or under any Act of the Parliament of

2. (1) The Border Railways Act, 1922, is amended— Amendment

Victoria as may be nominated for the purpose by the Governor of Victoria.

5

10

15

20

25

30

The vesting under this subsection shall be effected by the conveyance or transfer by the Minister for Public Works of so much of the land resumed or acquired as is required for purposes of or incidental to the railway so constructed."

(b) by inserting at the end of the same section the Sec. 8. following new subsection:

(2) Any land resumed or acquired under this section which is not required for purposes of or incidental to any railway constructed under the agreement may be sold, leased or otherwise dealt with under the Public Works Act, 1912, as amended by subsequent Acts, in all respects as if it were land taken under the provisions of that Act for an authorised work and not required for the purposes of any authorised work or may be reconveyed or retransferred to the persons entitled in full or part satisfaction of any claim for compensation in respect of the resumption or acquisition of the land.

In any sale made pursuant to this subsection an easement over or a right of using the whole or any part of the land sold may be reserved.

(2) Subsection one of this section shall be deemed 35 to have commenced on the first day of January, one thousand nine hundred and twenty-three.

3. (1) The provisions of section 157A of the Convey-Trustees ancing Act, 1919-1939, shall, mutatis mutandis, apply to and personal and in respect of any resumption or acquisition of land tives. 40 under the authority of section eight of the Border Railways

of Act No. 16, 1922. Sec. 8. (Resumption by

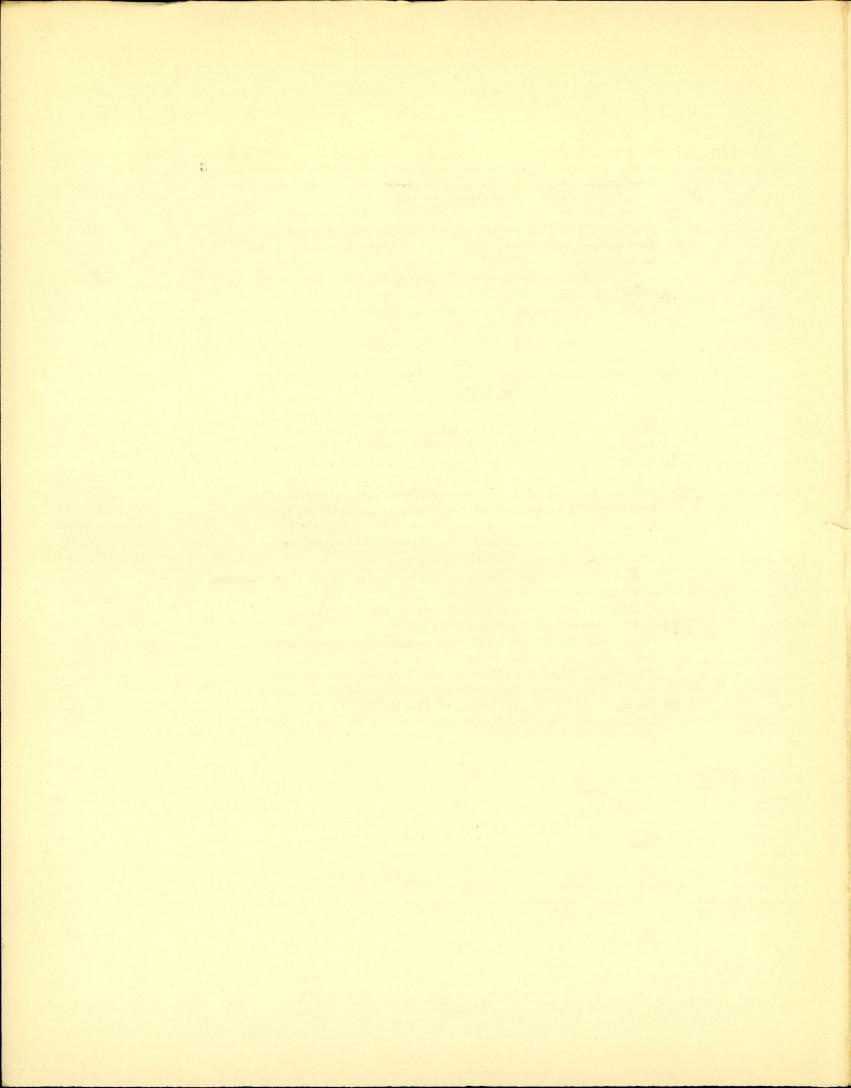
Governor.)

New subsec. (2).

Railways Act, 1922, whether such resumption or acquisition was made before or is made after the commencement of this Act.

- (2) For the purposes of such application, but not \* otherwise, that section shall be deemed to be amended by omitting subsection seven and by inserting in lieu thereof the following subsection:
- (7) This section applies to resumptions made under the Border Railways Act, 1922, either before 10 or after the commencement of the Border Railways (Amendment) Act, 1941.
  - (3) Where any land has been resumed or acquired, either before or after the commencement of the Border Railways (Amendment) Act, 1941, under the Border
- 15 Railways Act, 1922, from a trustee or personal representative it shall be lawful for such trustee or personal representative or his successor in office to accept a reconveyance or a retransfer of the whole or any part of the land resumed or acquired in full or part satisfaction of
- 20 any claim for compensation arising out of such resumption or acquisition.
- 4. For the purposes of any resumption or acquisition Validation. of land under the Border Railways Act, 1922, any notice of taking, purporting to have been given before the 25 commencement of this Act, under Division 2 of Part V of the Public Works Act, 1912, as amended by subsequent Acts, shall be deemed to have been duly given notwithstanding that the Governor had not directed that the land to which the notice relates should be acquired under that 30 Division, and the provisions of the Public Works Act, 1912, as amended by subsequent Acts, shall apply and

shall be deemed always to have applied accordingly.



## New South Wales.



ANNO QUINTO

## GEORGII VI REGIS.

### Act No. 13, 1941.

An Act to provide for the vesting of certain lands referred to in the Border Railways Act, 1922; to validate certain matters; to amend the Border Railways Act, 1922, and certain other Acts in certain respects; and for purposes connected therewith. [Assented to, 29th March, 1941.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

- 1. (1) This Act may be cited as the "Border Railways short title. (Amendment) Act, 1941."
- (2) The Border Railways Act, 1922, as amended by this Act, may be cited as the Border Railways Act, 1922-1941.

2.

Amendment of Act No. 16, 1922.

Sec. 8. (Resumption by Governor.)

- 2. (1) The Border Railways Act, 1922, is amended—
  - (a) by omitting from section eight the words "in the Government of the State of Victoria for the purposes of the agreement" and by inserting in lieu thereof the words "for the purposes of the agreement, in such corporation constituted by or under any Act of the Parliament of Victoria as may be nominated for the purpose by the Governor of Victoria.

The vesting under this subsection shall be effected by the conveyance or transfer by the Minister for Public Works of so much of the land resumed or acquired as is required for purposes of or incidental to the railway so

constructed."

(b) by inserting at the end of the same section the following new subsection:

(2) Any land resumed or acquired under this section which is not required for purposes of or incidental to any railway constructed under the agreement may be sold, leased or otherwise dealt with under the Public Works Act, 1912, as amended by subsequent Acts, in all respects as if it were land taken under the provisions of that Act for an authorised work and not required for the purposes of any authorised work or may be reconveyed or retransferred to the persons entitled in full or part satisfaction of any claim for compensation in respect of the resumption or acquisition of the land.

In any sale made pursuant to this subsection an easement over or a right of using the whole or any part of the land sold may be reserved.

(2) Subsection one of this section shall be deemed to have commenced on the first day of January, one thousand nine hundred and twenty-three.

Trustees and personal representatives.

3. (1) The provisions of section 157A of the Conveyancing Act, 1919-1939, shall, mutatis mutandis, apply to and in respect of any resumption or acquisition of land under the authority of section eight of the Border

Railways

Sec. 8. New subsec. (2).

Railways Act, 1922, whether such resumption or acquisition was made before or is made after the commencement of this Act.

- (2) For the purposes of such application, but not otherwise, that section shall be deemed to be amended by omitting subsection seven and by inserting in lieu thereof the following subsection:
  - (7) This section applies to resumptions made under the Border Railways Act, 1922, either before or after the commencement of the Border Railways (Amendment) Act, 1941.
- (3) Where any land has been resumed or acquired, either before or after the commencement of the Border Railways (Amendment) Act, 1941, under the Border Railways Act, 1922, from a trustee or personal representative it shall be lawful for such trustee or personal representative or his successor in office to accept a reconveyance or a retransfer of the whole or any part of the land resumed or acquired in full or part satisfaction of any claim for compensation arising out of such resumption or acquisition.
- 4. For the purposes of any resumption or acquisition Validation. of land under the Border Railways Act. 1922, any notice of taking, purporting to have been given before the commencement of this Act, under Division 2 of Part V of the Public Works Act, 1912, as amended by subsequent Acts, shall be deemed to have been duly given notwithstanding that the Governor had not directed that the land to which the notice relates should be acquired under that Division, and the provisions of the Public Works Act, 1912, as amended by subsequent Acts, shall apply and shall be deemed always to have applied accordingly.

By Authority:

### Borney to other other and a dame it

Railweys Adolfff whether experience in the seminary of some first interest and the seminary and the seminary and the seminary and the seminary additional seminary addit

(2) I or the commence of memory of the comments of the comment

(i.e. Fine section distribution of the control of the section of the control of t

allow before a first the characters of the Harder albor before a fine the character than the character among the first and file the forder Earlings (Act. 1822, it is a transfer or obtained that to it shall be lawful for such attended or or obtained or representative or his successor in place to scept a reconstructive or his successor in place to scept a reconstruction or his successor in place to scept a reconstruction of the whole or any part of the land resumed or acquired of full or part as islanding of the or compensation a right out of such resumpstion or acquisition.

4. For the purposes of a variety opinion or arguestion valuation in land under the Border Radiovsky Art, 1972, an indice of taking, purposed to the how show when vives before it a common entent of this Arthunder Division 2 of fort to at the Public Works A. I. 1912, as amended by subager to at Arthur Schall by decided to have seen dear give reducible. Acts shall be decided to have seen dear give reducible and the standard at the Constitution of the product and acts and to which the provisions of the Test of the Test and approximate the provisions of the Test and approximate and approximate the constitution of the Test and approximate the constitution of the Test and approximate the constitution of the Test and approximate the constitution of the constitution.

<sup>1.01</sup>