

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, 27 February, 1941.

New South Wales.



ANNO QUINTO

GEORGII VI REGIS.

Act No. . . , 1941.

An Act to repeal the Casino to Bonalbo Railway Act, 1928; to make provision, consequent upon such repeal, for the rescission of certain resumptions, the payment of compensation, and the review of the capital indebtedness of the State in respect of railways; 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 the same, as follows:—

1. This Act may be cited as the "Casino to Bonalbo Short title. Railway (Repeal) Act, 1941."

Casino to Bonalbo Railway (Repeal).

2. The Casino to Bonalbo Railway Act, 1928, is hereby repealed. **Repeals.**

3. (1) The Governor may, by notification published in the Gazette, rescind, in whole or in part, any notification of resumption or any taking of land (including an easement or right) for the purposes of the works described in the Schedule to the Casino to Bonalbo Railway Act, 1928, except where compensation in respect of the resumption or taking has been paid: **Power to rescind resumptions.**

10 Provided that where compensation in respect of the resumption or taking has not been paid no such notification of rescission shall be published in any case where, after the commencement of the Casino to Bonalbo Railway Act, 1928, the Constructing Authority had entered into possession of any land so resumed or taken and had commenced the construction of works thereon, unless the person who was entitled to such land immediately before the resumption or taking or other the person entitled to the compensation moneys consents to such rescission.

(2) Upon the publication of any notification of rescission the land, easement or right described in such notification shall revert in the person who was entitled thereto immediately before the resumption or taking for his estate, interest or right in the same immediately before such resumption or taking but subject to any interest in or equity binding upon such land created by the Constructing Authority since such resumption or taking; and the land shall be subject to all trusts, obligations, estates, interests, contracts, charges, rates, rights-of-way, or other easements from which it was freed and discharged by such resumption or taking as if the land, easement or right had not been resumed or taken and shall also be subject to any interests in or equities binding on the compensation moneys, created since the resumption or taking.

(3) The person in whom any land is revested under this section shall be entitled to be compensated by the Constructing Authority for any loss or damage actually suffered

Casino to Bonalbo Railway (Repeal).

suffered by him as a direct consequence of the resumption or taking and its rescission other than compensation in respect of the value of the land, easement or right.

4. Where, for the purposes of the works described in
 5 the Schedule to the Casino to Bonalbo Railway Act, 1928,
 possession of any land was taken by the Constructing
 Authority with the permission of the person entitled
 thereto and work of construction was commenced thereon,
 the Constructing Authority shall be under no obligation
 10 to acquire such land or any easement or right, but the
 person entitled to such land at the time the permission
 was granted or any person claiming through or under
 him, shall be entitled to be compensated by the Construc-
 ting Authority for any loss or damage actually suffered
 15 as a direct consequence of the occupation of the land by
 the Constructing Authority and of the work performed
 thereon but such compensation shall not exceed the com-
 pensation which would have been payable if the land,
 easement or right had been resumed or taken at the
 20 time the permission was granted.

Provisions
 applicable
 where land
 not resumed
 but posses-
 sion taken
 and work
 commenced.

5. Any claim for compensation arising under this Act
 shall be heard and determined in like manner and subject
 to the like conditions as a claim for compensation by
 reason of the acquisition of land for public purposes
 25 under the Public Works Act, 1912, and the provisions of
 the Land and Valuation Court Act, 1921, as amended by
 subsequent Acts, shall, mutatis mutandis, apply to and in
 respect of the hearing and determination of any such
 claim.

Claims for
 compensa-
 tion.

0 6. Any land resumed or taken for the purposes of the
 works described in the Schedule to the Casino to Bonalbo
 Railway Act, 1928, which is not re-vested under and in
 accordance with section three of this Act within a period
 of one year after the commencement of this Act may be
 35 dealt with as superfluous lands under the Public Works
 Act, 1912, as amended by subsequent Acts.

Lands not
 re-vested
 may be
 dealt with
 as super-
 fluous lands.

7. (1) The amount of all moneys expended on or in
 connection with the works described in the Schedule to
 the Casino to Bonalbo Railway Act, 1928, and the
 40 amounts of compensation and of costs, charges and
 expenses

Adjustment
 of capital
 indebted-
 ness.

Casino to Bonalbo Railway (Repeal).

expenses paid under this Act shall be deducted from the capital debt (as defined in the Government Railways Act, 1912, as amended by subsequent Acts).

(2) As soon as practicable after the commencement
5 of this Act the Committee of Review appointed under the Government Railways Act, 1912, as amended by subsequent Acts, shall certify to the Governor the amount by which the capital debt (as defined in that Act) should be reduced in order to give effect to subsection one of this
10 section.

Casino to Bonalbo Railway (Repeal) Bill, 1940.

EXPLANATORY NOTE.

THE object of this Bill is to repeal the Casino to Bonalbo Railway Act, 1928, and consequent upon such repeal to make provision for—

- (a) the rescission of certain resumptions of land for the purposes of that Act;
- (b) the payment of compensation in certain cases; and
- (c) the reduction of the railway capital indebtedness by the amount of expenditure incurred in connection with the work authorised by the original Act and the amounts of compensation and other charges payable under this Bill, subject to a certificate to the Governor from the Committee of Review appointed under the Government Railways Act, 1912, as amended by subsequent Acts, as to the amount by which the capital debt as defined by that Act should be reduced.

No. , 1940.

A BILL

To repeal the Casino to Bonalbo Railway Act, 1928; to make provision, consequent upon such repeal, for the rescission of certain resumptons, the payment of compensation, and the review of the capital indebtedness of the State in respect of railways; and for purposes connected therewith.

[LIEUT.-COL. BRUXNER;—24 *October*, 1940.]

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. This Act may be cited as the "Casino to Bonalbo Short title.
Railway (Repeal) Act, 1940."

Casino to Bonalbo Railway (Repeal).

2. The Casino to Bonalbo Railway Act, 1928, is hereby **Repeals.**
repealed.

3. (1) The Governor may, by notification published **Power to**
in the Gazette, rescind, in whole or in part, any **rescind**
5 notification of resumption or any taking of land (includ- **resumptions.**
ing an easement or right) for the purposes of the works
described in the Schedule to the Casino to Bonalbo
Railway Act, 1928, except where compensation in respect
of the resumption or taking has been paid:

10 Provided that where compensation in respect of the
resumption or taking has not been paid no such notifica-
tion of rescission shall be published in any case where,
after the commencement of the Casino to Bonalbo
Railway Act, 1928, the Constructing Authority had
15 entered into possession of any land so resumed or taken
and had commenced the construction of works thereon,
unless the person who was entitled to such land
immediately before the resumption or taking or other
the person entitled to the compensation moneys consents
20 to such rescission.

(2) Upon the publication of any notification of
rescission the land, easement or right described in such
notification shall revert in the person who was entitled
thereto immediately before the resumption or taking for
25 his estate, interest or right in the same immediately
before such resumption or taking but subject to any
interest in or equity binding upon such land created by
the Constructing Authority since such resumption or
taking; and the land shall be subject to all trusts, obli-
30 gations, estates, interests, contracts, charges, rates,
rights-of-way, or other easements from which it was
freed and discharged by such resumption or taking as if
the land, easement or right had not been resumed or taken
and shall also be subject to any interests in or equities
35 binding on the compensation moneys, created since the
resumption or taking.

(3) The person in whom any land is revested under
this section shall be entitled to be compensated by the
Constructing Authority for any loss or damage actually
suffered

Casino to Bonalbo Railway (Repeal).

suffered by him as a direct consequence of the resumption or taking and its rescission other than compensation in respect of the value of the land, easement or right.

4. Where, for the purposes of the works described in the Schedule to the Casino to Bonalbo Railway Act, 1928, possession of any land was taken by the Constructing Authority with the permission of the person entitled thereto and work of construction was commenced thereon, the Constructing Authority shall be under no obligation to acquire such land or any easement or right, but the person entitled to such land at the time the permission was granted or any person claiming through or under him, shall be entitled to be compensated by the Constructing Authority for any loss or damage actually suffered as a direct consequence of the occupation of the land by the Constructing Authority and of the work performed thereon but such compensation shall not exceed the compensation which would have been payable if the land, easement or right had been resumed or taken at the time the permission was granted.

Provisions applicable where land not resumed but possession taken and work commenced.

5. Any claim for compensation arising under this Act shall be heard and determined in like manner and subject to the like conditions as a claim for compensation by reason of the acquisition of land for public purposes under the Public Works Act, 1912, and the provisions of the Land and Valuation Court Act, 1921, as amended by subsequent Acts, shall, mutatis mutandis, apply to and in respect of the hearing and determination of any such claim.

Claims for compensation.

6. Any land resumed or taken for the purposes of the works described in the Schedule to the Casino to Bonalbo Railway Act, 1928, which is not revested under and in accordance with section three of this Act within a period of one year after the commencement of this Act may be dealt with as superfluous lands under the Public Works Act, 1912, as amended by subsequent Acts.

Lands not revested may be dealt with as superfluous lands.

7. (1) The amount of all moneys expended on or in connection with the works described in the Schedule to the Casino to Bonalbo Railway Act, 1928, and the amounts of compensation and of costs, charges and expenses

Adjustment of capital indebtedness.

Casino to Bonalbo Railway (Repeal).

expenses paid under this Act shall be deducted from the capital debt (as defined in the Government Railways Act, 1912, as amended by subsequent Acts).

(2) As soon as practicable after the commencement
5 of this Act the Committee of Review appointed under the Government Railways Act, 1912, as amended by subsequent Acts, shall certify to the Governor the amount by which the capital debt (as defined in that Act) should be reduced in order to give effect to subsection one of this
10 section.

[4d.]

New South Wales.



ANNO QUINTO

GEORGII VI REGIS.

Act No. 3, 1941.

An Act to repeal the Casino to Bonalbo Railway Act, 1928; to make provision, consequent upon such repeal, for the rescission of certain resummptions, the payment of compensation, and the review of the capital indebtedness of the State in respect of railways; and for purposes connected therewith. [Assented to, 26th 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. This Act may be cited as the "Casino to Bonalbo Short title. Railway (Repeal) Act, 1941."

Casino to Bonalbo Railway (Repeal).

Repeals.

2. The Casino to Bonalbo Railway Act, 1928, is hereby repealed.

Power to
rescind
resumptions.

3. (1) The Governor may, by notification published in the Gazette, rescind, in whole or in part, any notification of resumption or any taking of land (including an easement or right) for the purposes of the works described in the Schedule to the Casino to Bonalbo Railway Act, 1928, except where compensation in respect of the resumption or taking has been paid:

Provided that where compensation in respect of the resumption or taking has not been paid no such notification of rescission shall be published in any case where, after the commencement of the Casino to Bonalbo Railway Act, 1928, the Constructing Authority had entered into possession of any land so resumed or taken and had commenced the construction of works thereon, unless the person who was entitled to such land immediately before the resumption or taking or other the person entitled to the compensation moneys consents to such rescission.

(2) Upon the publication of any notification of rescission the land, easement or right described in such notification shall revert in the person who was entitled thereto immediately before the resumption or taking for his estate, interest or right in the same immediately before such resumption or taking but subject to any interest in or equity binding upon such land created by the Constructing Authority since such resumption or taking; and the land shall be subject to all trusts, obligations, estates, interests, contracts, charges, rates, rights-of-way, or other easements from which it was freed and discharged by such resumption or taking as if the land, easement or right had not been resumed or taken and shall also be subject to any interests in or equities binding on the compensation moneys, created since the resumption or taking.

(3) The person in whom any land is reverted under this section shall be entitled to be compensated by the Constructing Authority for any loss or damage actually suffered

Casino to Bonalbo Railway (Repeal).

suffered by him as a direct consequence of the resumption or taking and its rescission other than compensation in respect of the value of the land, easement or right.

4. Where, for the purposes of the works described in the Schedule to the Casino to Bonalbo Railway Act, 1928, possession of any land was taken by the Constructing Authority with the permission of the person entitled thereto and work of construction was commenced thereon; the Constructing Authority shall be under no obligation to acquire such land or any easement or right, but the person entitled to such land at the time the permission was granted or any person claiming through or under him, shall be entitled to be compensated by the Constructing Authority for any loss or damage actually suffered as a direct consequence of the occupation of the land by the Constructing Authority and of the work performed thereon but such compensation shall not exceed the compensation which would have been payable if the land, easement or right had been resumed or taken at the time the permission was granted.

Provisions applicable where land not resumed but possession taken and work commenced.

5. Any claim for compensation arising under this Act shall be heard and determined in like manner and subject to the like conditions as a claim for compensation by reason of the acquisition of land for public purposes under the Public Works Act, 1912, and the provisions of the Land and Valuation Court Act, 1921, as amended by subsequent Acts, shall, *mutatis mutandis*, apply to and in respect of the hearing and determination of any such claim.

Claims for compensation.

6. Any land resumed or taken for the purposes of the works described in the Schedule to the Casino to Bonalbo Railway Act, 1928, which is not revested under and in accordance with section three of this Act within a period of one year after the commencement of this Act may be dealt with as superfluous lands under the Public Works Act, 1912, as amended by subsequent Acts.

Lands not revested may be dealt with as superfluous lands.

7. (1) The amount of all moneys expended on or in connection with the works described in the Schedule to the Casino to Bonalbo Railway Act, 1928, and the amounts of compensation and of costs, charges and expenses

Adjustment of capital indebtedness.

Casino to Bonalbo Railway (Repeal).

expenses paid under this Act shall be deducted from the capital debt (as defined in the Government Railways Act, 1912, as amended by subsequent Acts).

(2) As soon as practicable after the commencement of this Act the Committee of Review appointed under the Government Railways Act, 1912, as amended by subsequent Acts, shall certify to the Governor the amount by which the capital debt (as defined in that Act) should be reduced in order to give effect to subsection one of this section.

By Authority:

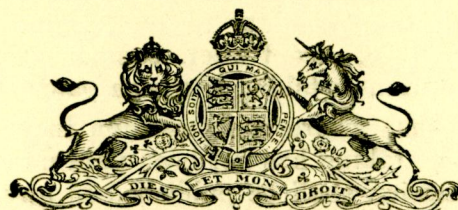
THOMAS HENRY TENNANT, Government Printer, Sydney, 1941.

[3d.]

I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

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. 3, 1941.

An Act to repeal the Casino to Bonalbo Railway Act, 1928; to make provision, consequent upon such repeal, for the rescission of certain resumptions, the payment of compensation, and the review of the capital indebtedness of the State in respect of railways; and for purposes connected therewith. [Assented to, 26th 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. This Act may be cited as the "Casino to Bonalbo Short title. Railway (Repeal) Act, 1941."

2.

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

W. W. HEDGES,
Chairman of Committees of the Legislative Assembly.

Casino to Bonalbo Railway (Repeal).

Repeals.

2. The Casino to Bonalbo Railway Act, 1928, is hereby repealed.

Power to rescind resumptions.

3. (1) The Governor may, by notification published in the Gazette, rescind, in whole or in part, any notification of resumption or any taking of land (including an easement or right) for the purposes of the works described in the Schedule to the Casino to Bonalbo Railway Act, 1928, except where compensation in respect of the resumption or taking has been paid:

Provided that where compensation in respect of the resumption or taking has not been paid no such notification of rescission shall be published in any case where, after the commencement of the Casino to Bonalbo Railway Act, 1928, the Constructing Authority had entered into possession of any land so resumed or taken and had commenced the construction of works thereon, unless the person who was entitled to such land immediately before the resumption or taking or other the person entitled to the compensation moneys consents to such rescission.

(2) Upon the publication of any notification of rescission the land, easement or right described in such notification shall revert in the person who was entitled thereto immediately before the resumption or taking for his estate, interest or right in the same immediately before such resumption or taking but subject to any interest in or equity binding upon such land created by the Constructing Authority since such resumption or taking; and the land shall be subject to all trusts, obligations, estates, interests, contracts, charges, rates, rights-of-way, or other easements from which it was freed and discharged by such resumption or taking as if the land, easement or right had not been resumed or taken and shall also be subject to any interests in or equities binding on the compensation moneys, created since the resumption or taking.

(3) The person in whom any land is reverted under this section shall be entitled to be compensated by the Constructing Authority for any loss or damage actually suffered

Casino to Bonalbo Railway (Repeal).

suffered by him as a direct consequence of the resumption or taking and its rescission other than compensation in respect of the value of the land, easement or right.

4. Where, for the purposes of the works described in the Schedule to the Casino to Bonalbo Railway Act, 1928, possession of any land was taken by the Constructing Authority with the permission of the person entitled thereto and work of construction was commenced thereon, the Constructing Authority shall be under no obligation to acquire such land or any easement or right, but the person entitled to such land at the time the permission was granted or any person claiming through or under him, shall be entitled to be compensated by the Constructing Authority for any loss or damage actually suffered as a direct consequence of the occupation of the land by the Constructing Authority and of the work performed thereon but such compensation shall not exceed the compensation which would have been payable if the land, easement or right had been resumed or taken at the time the permission was granted.

Provisions applicable where land not resumed but possession taken and work commenced.

5. Any claim for compensation arising under this Act shall be heard and determined in like manner and subject to the like conditions as a claim for compensation by reason of the acquisition of land for public purposes under the Public Works Act, 1912, and the provisions of the Land and Valuation Court Act, 1921, as amended by subsequent Acts, shall, mutatis mutandis, apply to and in respect of the hearing and determination of any such claim.

Claims for compensation.

6. Any land resumed or taken for the purposes of the works described in the Schedule to the Casino to Bonalbo Railway Act, 1928, which is not revested under and in accordance with section three of this Act within a period of one year after the commencement of this Act may be dealt with as superfluous lands under the Public Works Act, 1912, as amended by subsequent Acts.

Lands not revested may be dealt with as superfluous lands.

7. (1) The amount of all moneys expended on or in connection with the works described in the Schedule to the Casino to Bonalbo Railway Act, 1928, and the amounts of compensation and of costs, charges and expenses

Adjustment of capital indebtedness.

Casino to Bonalbo Railway (Repeal).

expenses paid under this Act shall be deducted from the capital debt (as defined in the Government Railways Act, 1912, as amended by subsequent Acts).

(2) As soon as practicable after the commencement of this Act the Committee of Review appointed under the Government Railways Act, 1912, as amended by subsequent Acts, shall certify to the Governor the amount by which the capital debt (as defined in that Act) should be reduced in order to give effect to subsection one of this section.

In the name and on behalf of His Majesty I assent to this Act.

WAKEHURST,
Governor.

*Government House,
Sydney, 26th March, 1941.*