

No. , 1971.

A BILL

To vest in The Silverton Tramway Company Limited certain land at Broken Hill; to repeal the Silverton Tramway Act of 1886 and the Silverton Tramway Amending Act; and for purposes connected therewith.

[MR LEWIS—17 November, 1971.]

BE it enacted by the Queen'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 "Silverton Tramway Land Short title Vesting Act, 1971".

2.

Silverton Tramway Land Vesting.

2. In this Act, except in so far as the context or subject-matter otherwise indicates or requires— Interpretation.

“the Company” means The Silverton Tramway Company Limited;

5 “the scheduled lands” means the lands described in the First Schedule to this Act.

3. (1) Notwithstanding anything in any other Act, the roads described in the Second Schedule to this Act are hereby closed and the land comprised in the roads so closed shall be Closing of roads, etc., in scheduled lands.
10 freed and discharged from any rights of the public or any person thereto as a highway.

(2) Reserves 3079 and 3080 for Tramway Purposes and 3081 for Tramway Station and Trucking Yards notified in the Gazette of 12th February, 1887 and Reserve 7766 for
15 Tramway Purposes notified in the Gazette of 17th November, 1888 are hereby revoked.

(3) The easement for transmission line twenty feet wide over part of Reserve 3079 for Tramway Purposes appropriated and resumed in the Gazette of 7th September, 1934
20 and vested in The Broken Hill Water Board by Gazette of 9th November, 1951 is hereby extinguished.

(4) Western Lands Lease number 414 of 43 acres 3 roods Parish of Albert County of Yancowinna is hereby terminated and extinguished.

25 4. (1) Subject to subsection two of this section, the scheduled lands are hereby vested in the Company for an estate in fee simple. Vesting of lands in Silverton Tramway Company Limited.

(2)

Silverton Tramway Land Vesting.

(2) The vesting effected by subsection one of this section—

5 (a) does not extend to any land below a depth of fifty feet from the surface of the scheduled lands or to any minerals in the scheduled lands;

(b) is subject to a reservation of—

10 (i) all such parts and so much of the scheduled lands as may, at any time after the commencement of this Act, be required for public ways in, over and through those lands to be set out by the Governor for the time being of the State of New South Wales or some person by him authorised in that respect with full power to any persons
15 authorised in that behalf to make and conduct any such public ways; and

20 (ii) the right of full and free ingress, egress, and regress into, out of and upon the scheduled lands for the purposes of making and conducting any such public ways;

25 (c) is subject to the condition that neither the Company nor its sequels in title shall be entitled to make or prosecute any claim for damages or take any proceedings either by way of injunction or otherwise against Her Majesty, Her Heirs or Successors or the Government of the State of New South Wales or any lessee or lessees under any Act relating to mining or his or their executors, administrators or assigns for or in respect of any damage or loss
30 occasioned by the letting down, subsidence or lateral movement of the scheduled lands or otherwise howsoever by reason of the following acts and matters, that is to say, by reason of Her Majesty, Her Heirs or Successors or the Government of the said State or any persons on Her, Their or its behalf
35 or any lessee or lessees under any Act relating to mining

Silverton Tramway Land Vesting.

5 mining or his or their executors, administrators or
assigns having worked, whether before or after the
commencement of this Act, any mines or having
carried on, whether before or after that commence-
ment, mining operations or having searched for,
worked, won or removed, whether before or after
that commencement, any metals or minerals under,
in or from the land below the scheduled lands or on,
in, under or from any other lands situated laterally
10 to the scheduled lands and the land below those
other lands and whether on or below the surface of
those other lands;

(d) is subject to a reservation unto Her Majesty, Her
15 Heirs and Successors of the liberty and authority by
reason of the acts and matters referred to in para-
graph (c) of this subsection or in the course thereof
for Her Majesty, Her Heirs and Successors and the
Government of the said State and any person on
Her, Their or its behalf and any lessee or lessees
20 under any Act relating to mining and his or their
executors administrators and assigns from time to
time to let down without payment of any compensa-
tion whatsoever any part of the scheduled lands or
of the surface thereof; and

25 (e) is subject to the easements created by section five
of this Act.

(3) For the purposes of subsection three of section
thirteen of the Public Roads Act, 1902, the land vested by
subsection one of this section shall be deemed to be land com-
30 prised within a grant from the Crown which contains the
reservation referred to in paragraph (b) of subsection two of
this section.

5. (1) The easements described in the Third Schedule to
this Act shall by virtue of this Act be created and without any
35 further assurance vest in The Broken Hill Water Board or be
appurtenant to the land indicated in that Schedule as benefited
by the easements, as the case may be.

(2)

Silverton Tramway Land Vesting.

(2) The easement for electricity transmission line created by subsection one of this section entitles The Broken Hill Water Board to use, in any manner, the surface and the subsoil or under-surface of the land comprised in the easement
5 for the erection and maintenance of wires or cables for the transmission of electricity and of the necessary supports therefor and to enter upon the land for the purpose of inspection and of carrying out any additions, renewals or repairs.

(3) The easements for pipes for the conveyance of
10 water created by subsection one of this section entitles The Broken Hill Water Board to use, in any manner, the surface and the subsoil or under-surface of the land comprised in the easement for the construction and maintenance of tunnels or pipes for the conveyance of water and to enter upon the land
15 for the purpose of inspection and of carrying out any additions, renewals or repairs.

6. (1) Upon application in writing by the Company and upon payment of the fee therefor prescribed under the Real Property Act, 1900, the Registrar-General shall issue to the
20 Company certificates of title under the Real Property Act, 1900, for the lands vested in the Company by section four of this Act without investigating the title thereto except so far as may be necessary to give effect to this Act and shall record on the certificates of title for such of those lands as are burdened
25 thereby the easements created by section five of this Act, and the easement for pipe-lines fifteen feet wide appropriated and resumed in the Gazette of 16th July, 1948 over the parts of lot 5897 in Deposited Plan 241855 as shown within that lot on that plan and the easement for water supply pipeline twenty
30 feet wide appropriated and resumed in the Gazette of 15th March, 1963 over the part of lot 5901 in Deposited Plan 241856 as shown within that lot on that plan.

Issue of
certificate
of title.

(2)

Silverton Tramway Land Vesting.

(2) When issuing to the Company certificates of title pursuant to subsection one of this section the Registrar-General shall record thereon that the land is held subject to the provisions of subsection two of section four of this Act.

5 7. No stamp duty under the Stamp Duties Act, 1920, shall be chargeable upon the issue of certificates of title in accordance with section six of this Act.

8. (1) The Silverton Tramway Act of 1886 and the Silverton Tramway Amending Act are hereby repealed.

Repeal of
Silverton
Tramway
Acts.

10 (2) The Company shall not be, and shall be deemed never to have been, entitled, by reason of any of the provisions of the Silverton Tramway Act of 1886, or the Silverton Tramway Amending Act, to or to a grant of any land referred to in section eight of the Silverton Tramway Act of 1886.

15

FIRST SCHEDULE.

Sec. 2.

1. ALL the following pieces of land situate at Broken Hill in the City of Broken Hill Parish of Picton County of Yancowinna:—

20 Lots 5889 to 5898, both lots inclusive, in Deposited Plan 241855 and Lots 5899 to 5903, both lots inclusive, in Deposited Plan 241856.

2. ALL THAT piece of land situate at Thackaringa in the Western Division Parish of Albert County of Yancowinna being lot 1 in Deposited Plan 551954.

SECOND SCHEDULE.

Sec. 3.

25 ALL roads and parts of roads within the scheduled lands. That part of Carbon Street contiguous to the south-eastern boundary of Lot 5898 in Deposited Plan 241855.

THIRD

Silverton Tramway Land Vesting.

THIRD SCHEDULE.

Sec. 5.

Lot 5899 in Deposited Plan 241856 shall be subject to the following easements in favour of The Broken Hill Water Board and shown within that lot:—

- 5 Easement for electricity transmission line, 20 feet wide.
Easements (two) to drain sewage, 20 feet wide, and 50 feet wide and variable width, respectively.
Easements (two) for pipes for the conveyance of water, 20 feet wide, and 50 feet wide and variable width, respectively.
- 10 Lot 5897 in Deposited Plan 241855 shall be subject to the following easements:—
Right of carriage way, 20 feet wide, appurtenant to Portion 5904 Parish of Picton County of Yancowinna and designated "A" within that lot.
- 15 Right of carriage way, 20 feet wide, appurtenant to Portion 5614 Parish of Picton County of Yancowinna and designated "B" within that lot.

Lot 5901 in Deposited Plan 241856 shall be subject to the following easements in favour of The Broken Hill Water Board and shown within that lot:—

- Easements (two) to drain sewage, each 20 feet wide.
Easement for pipes for the conveyance of water, 20 feet wide.

BY AUTHORITY

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1971

[10c]

SECTION 1. (a) PURPOSE AND SCOPE

Sec. 2.

The Board of Directors shall have the authority to make and alter the bylaws of the corporation and to suspend or repeal any bylaw that it may deem unnecessary or inconsistent with the interests of the corporation.

2

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PROOF

SILVERTON TRAMWAY LAND VESTING BILL, 1971

EXPLANATORY NOTE

THE objects of this Bill are—

- (a) to vest, subject to certain reservations and conditions, in the Silverton Tramway Company Limited certain lands at Broken Hill formerly used in the conduct of the Silverton Tramway;
- (b) to create certain easements in favour of The Broken Hill Water Board and certain other persons;
- (c) to close certain roads, including roads within the land to be vested in the Silverton Tramway Company Limited;
- (d) to make other provisions of a minor or ancillary nature.

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1. This Act may be cited as the "Silverton Tramway Land Vesting Act, 1971".

2.

Silverton Tramway Land Vesting.

2. In this Act, except in so far as the context or subject-matter otherwise indicates or requires— Interpretation.

“the Company” means The Silverton Tramway Company Limited;

5 “the scheduled lands” means the lands described in the First Schedule to this Act.

3. (1) Notwithstanding anything in any other Act, the roads described in the Second Schedule to this Act are hereby closed and the land comprised in the roads so closed shall be freed and discharged from any rights of the public or any person thereto as a highway. Closing of roads, etc., in scheduled lands.

(2) Reserves 3079 and 3080 for Tramway Purposes and 3081 for Tramway Station and Trucking Yards notified in the Gazette of 12th February, 1887 and Reserve 7766 for Tramway Purposes notified in the Gazette of 17th November, 1888 are hereby revoked.

(3) The easement for transmission line twenty feet wide over part of Reserve 3079 for Tramway Purposes appropriated and resumed in the Gazette of 7th September, 1934 and vested in The Broken Hill Water Board by Gazette of 9th November, 1951 is hereby extinguished.

(4) Western Lands Lease number 414 of 43 acres 3 roods Parish of Albert County of Yancowinna is hereby terminated and extinguished.

25 4. (1) Subject to subsection two of this section, the scheduled lands are hereby vested in the Company for an estate in fee simple. Vesting of lands in Silverton Tramway Company Limited.

(2)

Silverton Tramway Land Vesting.

(2) The vesting effected by subsection one of this section—

- 5 (a) does not extend to any land below a depth of fifty feet from the surface of the scheduled lands or to any minerals in the scheduled lands;
- (b) is subject to a reservation of—
- 10 (i) all such parts and so much of the scheduled lands as may, at any time after the commencement of this Act, be required for public ways in, over and through those lands to be set out by the Governor for the time being of the State of New South Wales or some person by him authorised in that respect with full power to any persons
- 15 authorised in that behalf to make and conduct any such public ways; and
- (ii) the right of full and free ingress, egress, and regress into, out of and upon the
- 20 scheduled lands for the purposes of making and conducting any such public ways;
- (c) is subject to the condition that neither the Company nor its sequels in title shall be entitled to make or prosecute any claim for damages or take any proceedings either by way of injunction or otherwise
- 25 against Her Majesty, Her Heirs or Successors or the Government of the State of New South Wales or any lessee or lessees under any Act relating to mining or his or their executors, administrators or assigns for or in respect of any damage or loss
- 30 occasioned by the letting down, subsidence or lateral movement of the scheduled lands or otherwise howsoever by reason of the following acts and matters, that is to say, by reason of Her Majesty, Her Heirs or Successors or the Government of the
- 35 said State or any persons on Her, Their or its behalf or any lessee or lessees under any Act relating to mining

Silverton Tramway Land Vesting.

5 mining or his or their executors, administrators or
assigns having worked, whether before or after the
commencement of this Act, any mines or having
carried on, whether before or after that commence-
ment, mining operations or having searched for,
worked, won or removed, whether before or after
that commencement, any metals or minerals under,
in or from the land below the scheduled lands or on,
in, under or from any other lands situated laterally
10 to the scheduled lands and the land below those
other lands and whether on or below the surface of
those other lands;

(d) is subject to a reservation unto Her Majesty, Her
Heirs and Successors of the liberty and authority by
15 reason of the acts and matters referred to in para-
graph (c) of this subsection or in the course thereof
for Her Majesty, Her Heirs and Successors and the
Government of the said State and any person on
Her, Their or its behalf and any lessee or lessees
20 under any Act relating to mining and his or their
executors administrators and assigns from time to
time to let down without payment of any compensa-
tion whatsoever any part of the scheduled lands or
of the surface thereof; and

25 (e) is subject to the easements created by section five
of this Act.

(3) For the purposes of subsection three of section
thirteen of the Public Roads Act, 1902, the land vested by
subsection one of this section shall be deemed to be land com-
30 prised within a grant from the Crown which contains the
reservation referred to in paragraph (b) of subsection two of
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35 further assurance vest in The Broken Hill Water Board or be
appurtenant to the land indicated in that Schedule as benefited
by the easements, as the case may be. Easements
created over
scheduled
lands.

(2)

Silverton Tramway Land Vesting.

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5 for the erection and maintenance of wires or cables for the transmission of electricity and of the necessary supports therefor and to enter upon the land for the purpose of inspection and of carrying out any additions, renewals or repairs.

(3) The easements for pipes for the conveyance of
10 water created by subsection one of this section entitles The Broken Hill Water Board to use, in any manner, the surface and the subsoil or under-surface of the land comprised in the easement for the construction and maintenance of tunnels or pipes for the conveyance of water and to enter upon the land
15 for the purpose of inspection and of carrying out any additions, renewals or repairs.

6. (1) Upon application in writing by the Company and upon payment of the fee therefor prescribed under the Real Property Act, 1900, the Registrar-General shall issue to the
20 Company certificates of title under the Real Property Act, 1900, for the lands vested in the Company by section four of this Act without investigating the title thereto except so far as may be necessary to give effect to this Act and shall record on the certificates of title for such of those lands as are burdened
25 thereby the easements created by section five of this Act, and the easement for pipe-lines fifteen feet wide appropriated and resumed in the Gazette of 16th July, 1948 over the parts of lot 5897 in Deposited Plan 241855 as shown within that lot on that plan and the easement for water supply pipeline twenty
30 feet wide appropriated and resumed in the Gazette of 15th March, 1963 over the part of lot 5901 in Deposited Plan 241856 as shown within that lot on that plan.

Issue of
certificate
of title.

(2)

Silverton Tramway Land Vesting.

(2) When issuing to the Company certificates of title pursuant to subsection one of this section the Registrar-General shall record thereon that the land is held subject to the provisions of subsection two of section four of this Act.

5 7. No stamp duty under the Stamp Duties Act, 1920, shall be chargeable upon the issue of certificates of title in accordance with section six of this Act.

8. (1) The Silverton Tramway Act of 1886 and the Silverton Tramway Amending Act are hereby repealed.

Repeal of Silverton Tramway Acts.

10 (2) The Company shall not be, and shall be deemed never to have been, entitled, by reason of any of the provisions of the Silverton Tramway Act of 1886, or the Silverton Tramway Amending Act, to or to a grant of any land referred to in section eight of the Silverton Tramway Act of 1886.

15

FIRST SCHEDULE.

Sec. 2.

1. ALL the following pieces of land situate at Broken Hill in the City of Broken Hill Parish of Picton County of Yancowinna:—

20 Lots 5889 to 5898, both lots inclusive, in Deposited Plan 241855 and Lots 5899 to 5903, both lots inclusive, in Deposited Plan 241856.

2. ALL THAT piece of land situate at Thackaringa in the Western Division Parish of Albert County of Yancowinna being lot 1 in Deposited Plan 551954.

SECOND SCHEDULE.

Sec. 3.

25 ALL roads and parts of roads within the scheduled lands. That part of Carbon Street contiguous to the south-eastern boundary of Lot 5898 in Deposited Plan 241855.

THIRD

Silverton Tramway Land Vesting.

THIRD SCHEDULE.

Sec. 5.

Lot 5899 in Deposited Plan 241856 shall be subject to the following easements in favour of The Broken Hill Water Board and shown within that lot:—

- 5 Easement for electricity transmission line, 20 feet wide.
Easements (two) to drain sewage, 20 feet wide, and 50 feet wide and variable width, respectively.
Easements (two) for pipes for the conveyance of water, 20 feet wide, and 50 feet wide and variable width, respectively.
- 10 Lot 5897 in Deposited Plan 241855 shall be subject to the following easements:—
Right of carriage way, 20 feet wide, appurtenant to Portion 5904 Parish of Picton County of Yancowinna and designated "A" within that lot.
- 15 Right of carriage way, 20 feet wide, appurtenant to Portion 5614 Parish of Picton County of Yancowinna and designated "B" within that lot.

Lot 5901 in Deposited Plan 241856 shall be subject to the following easements in favour of The Broken Hill Water Board and shown within that lot:—

- Easements (two) to drain sewage, each 20 feet wide.
Easement for pipes for the conveyance of water, 20 feet wide.

BY AUTHORITY

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1971

Division Twenty-Four

Sec. 2.

THIRD SCHEDULE

For 2599 in Deposited Plan 21770 shall be subject to the following easements in favor of The Broken Hill Water Board and shown within that lot:—

1. Easement for electric transmission line 20 feet wide. Easement (two) to drain surface water 20 feet wide and 20 feet wide and suitable width respectively.

2. Easement (two) for pipes for the conveyance of water 20 feet wide and 20 feet wide and suitable width respectively.

10. For 2897 in Deposited Plan 241823 shall be subject to the following easements:—

1. Right of carriage way 20 feet wide appurtenant to Portion 2004 Parish of Porton County of Yorkston and designed "A" within that lot.

2. Right of carriage way 20 feet wide appurtenant to Portion 2014 Parish of Porton County of Yorkston and designed "B" within that lot.

For 2901 in Deposited Plan 241823 shall be subject to the following easements in favor of The Broken Hill Water Board and shown within that lot:—

1. Easement (two) to drain surface water 20 feet wide. Easement for pipes for the conveyance of water 20 feet wide.