

# CONCURRENCE COPY

## BORDER RAILWAYS (AMENDMENT) BILL, 1983

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### EXPLANATORY NOTE

#### (This Explanatory Note relates to this Bill as introduced into Parliament)

The object of this Bill is to amend the Border Railways Act, 1922, so as—

- (a) to ratify an agreement made on 6th July, 1983, between the States of New South Wales and Victoria by way of amendment to the original Border Railways Agreement of 1922 (Schedule 1);
- (b) to apply, retrospectively, to railways referred to in, but constructed before, the execution of the original Border Railways Agreement, the following provisions of the Border Railways Act, 1922:—
  - (i) section 8, which relates to the resumption, acquisition and vesting of land for Border Railway purposes and the disposal of superfluous Border Railway land; and
  - (ii) section 9, which authorises the Government of Victoria and its railway authority to control and manage Border Railways in New South Wales,  
(Schedule 2); and
- (c) to effect amendments by way of statute law revision, including amendments substituting references to the State Transport Authority of Victoria for references to the Victorian Railways Commissioners and Victorian Board of Land and Works (Schedule 3).

A copy of the agreement proposed to be ratified is set out in Schedule 1 to the Bill. The agreement deletes certain clauses of the original agreement. Those clauses relate to certain lines of railways which were not constructed or which are not operated, and their deletion will facilitate the disposal of superfluous Victorian Border Railway land.

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**BORDER RAILWAYS (AMENDMENT) BILL, 1983**

No.       , 1983.

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**A BILL FOR**

An Act to amend the Border Railways Act, 1922, so as to ratify an agreement made between the States of New South Wales and Victoria, and for other purposes; and to validate certain matters.

[MR WALKER *on behalf of* MR FERGUSON—13 *October*, 1983.]

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*Border Railways (Amendment).*

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**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:—

5 **Short title.**

1. This Act may be cited as the "Border Railways (Amendment) Act, 1983".

**Commencement.**

2. (1) Except as provided by this section, this Act shall commence on  
10 the date of assent to this Act.

(2) Section 5 shall, in its application to a provision of Schedule 1, 2 or 3, commence or be deemed to have commenced, as the case may require, on the day on which that provision commences or is deemed to have commenced.

15 (3) Schedule 2 shall be deemed to have commenced on 1st January, 1923.

(4) Schedule 3 shall be deemed to have commenced on 1st July, 1983.

**Principal Act.**

20 3. The Border Railways Act, 1922, is referred to in this Act as the Principal Act.

**Schedules.**

4. This Act contains the following Schedules:—

25 SCHEDULE 1.—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE AGREEMENT.

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*Border Railways (Amendment).*

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SCHEDULE 2.—FURTHER AMENDMENTS TO THE PRINCIPAL ACT.

SCHEDULE 3.—AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF  
STATUTE LAW REVISION.**Amendment of Act No. 16, 1922.**

- 5     **5.** The Principal Act is amended in the manner set forth in Schedules 1,  
2 and 3.

**Savings.**

6. Nothing in this Act affects any legal proceedings instituted and  
pending or any judgment given, any order made or any conviction recorded  
10 in any court before the commencement of this section.

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**SCHEDULE 1.**

(Sec. 5.)

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE AGREEMENT.

- (1) Section 4, definition of "The agreement"—  
15     Omit "the Schedule", insert instead "Schedule 1, as amended by the  
agreement a copy of which is set out in Schedule 2".
- (2) (a) Section 5—  
After "agreement", insert "a copy of which is set out in Schedule  
1".
- 20     (b) Section 5 (2)—  
At the end of section 5, insert:—  
(2) The agreement a copy of which is set out in Schedule 2  
is hereby ratified and approved.

*Border Railways (Amendment).*SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE  
AGREEMENT—*continued.*

## (3) Schedule 1—

5 Omit the heading "SCHEDULE." occurring after section 10, insert instead the heading "SCHEDULE 1."

## (4) Schedule 2—

After Schedule 1, insert:—

## SCHEDULE 2.

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## AGREEMENT.

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AGREEMENT made the 6th day of July One Thousand Nine Hundred and Eighty-three between the Honourable Laurie John Ferguson Acting Premier of the State of New South Wales, for and on behalf of that State of the one part and the Honourable John Cain Premier of the State of Victoria, for and on behalf of that State of the other part WHEREAS by an Agreement made the 14th day of September, 1922 between the then Premier of the State of New South Wales, for and on behalf of that State, and the then Premier of the State of Victoria, for and on behalf of that State, which agreement was set out in a Schedule to the Border Railways Act No. 16 of 1922 of the State of New South Wales and to the Border Railways Act No. 3194 of 1922 of the State of Victoria and is hereinafter referred to as the "Border Railways Agreement", it was agreed inter alia that the Government of the State of Victoria be authorised to construct certain railways AND WHEREAS the Euston to Lette Railway was partly constructed only and the land required in New South Wales for or incidental to the Railway was not vested in the Government of the State of Victoria or in any corporation on behalf of the said Government in accordance with the provisions of the said Act No. 16 as amended and operations on the part of the Railway constructed have ceased and the trackwork has been dismantled AND WHEREAS the Gonn Crossing to Stony Crossing Railway was constructed but the land required in New South Wales for or incidental to the Railway was not vested as aforesaid in accordance with the provisions of the said Act No. 16 as amended and operations on the Railway have ceased and the trackwork has been dismantled AND WHEREAS the Kerang to Gonn Crossing Railway was constructed but operations thereon have ceased and the trackwork has been dismantled NOW it is agreed as follows:—

1. The Border Railways Agreement shall be and the same is hereby amended by deleting clauses 31, 33, 35, 41, 42 and 43.
2. This Agreement is subject to ratification by the Parliaments of New South Wales and Victoria during the year of Our Lord One Thousand Nine Hundred and Eighty-three.

IN WITNESS whereof the said LAURIE JOHN FERGUSON and the said JOHN CAIN have hereunto set their hands and seals the day and year first above written.

SIGNED SEALED and DELIVERED by the  
abovenamed LAURIE JOHN FERGUSON in } L. J. Ferguson  
the presence of: JOHN BYRNE }

AND by the said JOHN CAIN in the presence } John Cain  
of: RORY SHERIDAN }

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*Border Railways (Amendment).*

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## SCHEDULE 2.

(Sec. 5.)

## FURTHER AMENDMENTS TO THE PRINCIPAL ACT.

- (1) (a) Section 8 (1)—  
 5 Omit “to be constructed by the Government of Victoria under”,  
 insert instead “referred to in”.
- (b) Section 8 (1)—  
 Omit “the railway so constructed”, insert instead “any such  
 railway”.
- 10 (c) Section 8 (2)—  
 Omit “constructed under”, insert instead “referred to in”.
- (2) Section 9—  
 Omit “authorised by the agreement to be constructed by the said  
 Government”, insert instead “referred to in the agreement”.

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## SCHEDULE 3.

(Sec. 5.)

## AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION.

- (1) Section 3—  
 20 Omit “, but the Governor may, if the Parliament of the State of Victoria has  
 not passed an Act ratifying the agreement and complying therewith before that  
 date by proclamation published in the Gazette, suspend the operation of this Act  
 for such time as he may think fit”.
- (2) Section 4, definition of “Victorian Authority”—  
 After the definition of “The agreement”, insert:—  
 25 “Victorian Authority” means the State Transport Authority established under  
 the Transport Act 1983 of Victoria.

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*Border Railways (Amendment).*

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SCHEDULE 3—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION—*continued.*

(3) Section 6—

Omit “Victorian Board of Land and Works”, insert instead “Victorian Authority”.

5 (4) Section 8 (2)—

Omit “as amended by subsequent Acts.”.

(5) (a) Section 9—

Omit “Victorian Railways Commissioners”, insert instead “Victorian Authority”.

10 (b) Section 9—

Omit “said Commissioners”, insert instead “Victorian Authority”.

(6) (a) Section 10—

Omit “1912, or any Act amending the same”, insert instead “1940”.

(b) Section 10—

15 Omit “Victorian Board of Land and Works, or the Victorian Railways Commissioners”, insert instead “Victorian Authority”.

(c) Section 10—

Omit “Victorian Board of Land and Works or the Victorian Railways Commissioners”, insert instead “Victorian Authority”.

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BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1983



**BORDER RAILWAYS (AMENDMENT) ACT, 1983, No. 118**

**New South Wales**



ANNO TRICESIMO SECUNDO

**ELIZABETHÆ II REGINÆ**

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**Act No. 118, 1983.**

An Act to amend the Border Railways Act, 1922, so as to ratify an agreement made between the States of New South Wales and Victoria, and for other purposes; and to validate certain matters. [Assented to, 15th December, 1983.]

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*Border Railways (Amendment).*

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**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:—

**Short title.**

1. This Act may be cited as the "Border Railways (Amendment) Act, 1983".

**Commencement.**

2. (1) Except as provided by this section, this Act shall commence on the date of assent to this Act.

(2) Section 5 shall, in its application to a provision of Schedule 1, 2 or 3, commence or be deemed to have commenced, as the case may require, on the day on which that provision commences or is deemed to have commenced.

(3) Schedule 2 shall be deemed to have commenced on 1st January, 1923.

(4) Schedule 3 shall be deemed to have commenced on 1st July, 1983.

**Principal Act.**

3. The Border Railways Act, 1922, is referred to in this Act as the Principal Act.

**Schedules.**

4. This Act contains the following Schedules:—

SCHEDULE 1.—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE AGREEMENT.

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*Border Railways (Amendment).*

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SCHEDULE 2.—FURTHER AMENDMENTS TO THE PRINCIPAL ACT.

SCHEDULE 3.—AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF  
STATUTE LAW REVISION.

**Amendment of Act No. 16, 1922.**

5. The Principal Act is amended in the manner set forth in Schedules 1, 2 and 3.

**Savings.**

6. Nothing in this Act affects any legal proceedings instituted and pending or any judgment given, any order made or any conviction recorded in any court before the commencement of this section.

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SCHEDULE 1.

(Sec. 5.)

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE AGREEMENT.

(1) Section 4, definition of "The agreement"—

Omit "the Schedule", insert instead "Schedule 1, as amended by the agreement a copy of which is set out in Schedule 2".

(2) (a) Section 5—

After "agreement", insert "a copy of which is set out in Schedule 1".

(b) Section 5 (2)—

At the end of section 5, insert:—

(2) The agreement a copy of which is set out in Schedule 2 is hereby ratified and approved.

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*Border Railways (Amendment).*


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 SCHEDULE 1—*continued.*

 AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE  
 AGREEMENT—*continued.*

## (3) Schedule 1—

Omit the heading "SCHEDULE." occurring after section 10, insert instead the heading "SCHEDULE 1."

## (4) Schedule 2—

After Schedule 1, insert:—

## SCHEDULE 2.

## AGREEMENT.

AGREEMENT made the 6th day of July One Thousand Nine Hundred and Eighty-three between the Honourable Laurie John Ferguson Acting Premier of the State of New South Wales, for and on behalf of that State of the one part and the Honourable John Cain Premier of the State of Victoria, for and on behalf of that State of the other part WHEREAS by an Agreement made the 14th day of September, 1922 between the then Premier of the State of New South Wales, for and on behalf of that State, and the then Premier of the State of Victoria, for and on behalf of that State, which agreement was set out in a Schedule to the Border Railways Act No. 16 of 1922 of the State of New South Wales and to the Border Railways Act No. 3194 of 1922 of the State of Victoria and is hereinafter referred to as the "Border Railways Agreement", it was agreed inter alia that the Government of the State of Victoria be authorised to construct certain railways AND WHEREAS the Euston to Lette Railway was partly constructed only and the land required in New South Wales for or incidental to the Railway was not vested in the Government of the State of Victoria or in any corporation on behalf of the said Government in accordance with the provisions of the said Act No. 16 as amended and operations on the part of the Railway constructed have ceased and the trackwork has been dismantled AND WHEREAS the Gonn Crossing to Stony Crossing Railway was constructed but the land required in New South Wales for or incidental to the Railway was not vested as aforesaid in accordance with the provisions of the said Act No. 16 as amended and operations on the Railway have ceased and the trackwork has been dismantled AND WHEREAS the Kerang to Gonn Crossing Railway was constructed but operations thereon have ceased and the trackwork has been dismantled NOW it is agreed as follows:—

1. The Border Railways Agreement shall be and the same is hereby amended by deleting clauses 31, 33, 35, 41, 42 and 43.
2. This Agreement is subject to ratification by the Parliaments of New South Wales and Victoria during the year of Our Lord One Thousand Nine Hundred and Eighty-three.

IN WITNESS whereof the said LAURIE JOHN FERGUSON and the said JOHN CAIN have hereunto set their hands and seals the day and year first above written.

SIGNED SEALED and DELIVERED by the abovenamed LAURIE JOHN FERGUSON in } the presence of: JOHN BYRNE	L. J. Ferguson
AND by the said JOHN CAIN in the presence } of: RORY SHERIDAN	John Cain

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*Border Railways (Amendment).*

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SCHEDULE 2.

(Sec. 5.)

FURTHER AMENDMENTS TO THE PRINCIPAL ACT.

(1) (a) Section 8 (1)—

Omit “to be constructed by the Government of Victoria under”, insert instead “referred to in”.

(b) Section 8 (1)—

Omit “the railway so constructed”, insert instead “any such railway”.

(c) Section 8 (2)—

Omit “constructed under”, insert instead “referred to in”.

(2) Section 9—

Omit “authorised by the agreement to be constructed by the said Government”, insert instead “referred to in the agreement”.

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SCHEDULE 3.

(Sec. 5.)

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION.

(1) Section 3—

Omit “, but the Governor may, if the Parliament of the State of Victoria has not passed an Act ratifying the agreement and complying therewith before that date by proclamation published in the Gazette, suspend the operation of this Act for such time as he may think fit”.

(2) Section 4, definition of “Victorian Authority”—

After the definition of “The agreement”, insert:—

“Victorian Authority” means the State Transport Authority established under the Transport Act 1983 of Victoria.

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*Border Railways (Amendment).*

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SCHEDULE 3—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION—*continued.*

## (3) Section 6—

Omit "Victorian Board of Land and Works", insert instead "Victorian Authority".

## (4) Section 8 (2)—

Omit "as amended by subsequent Acts,".

## (5) (a) Section 9—

Omit "Victorian Railways Commissioners", insert instead "Victorian Authority".

## (b) Section 9—

Omit "said Commissioners", insert instead "Victorian Authority".

## (6) (a) Section 10—

Omit "1912, or any Act amending the same", insert instead "1940".

## (b) Section 10—

Omit "Victorian Board of Land and Works, or the Victorian Railways Commissioners", insert instead "Victorian Authority".

## (c) Section 10—

Omit "Victorian Board of Land and Works or the Victorian Railways Commissioners", insert instead "Victorian Authority".

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

J. A. ROWLAND,  
*Governor.*

*Government House,*  
*Sydney, 15th December, 1983.*



