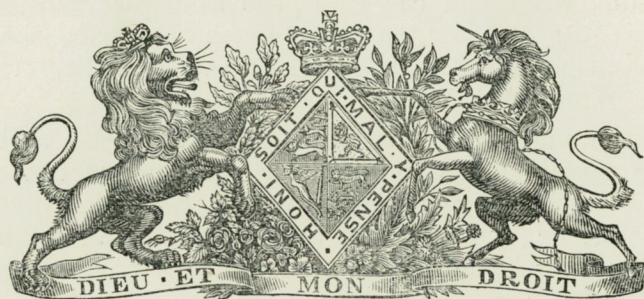


This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

*Legislative Assembly Chamber,
Sydney, 10 December, 1901. }*

F. W. WEBB,
Clerk of the Legislative Assembly.

New South Wales.



ANNO PRIMO

EDWARDI VII REGIS.

Act No. , 1901.

An Act to sanction the construction of a line of Railway from Cobar to Wilcannia; to amend the Public Works Act, 1900, so far as relates to the duty of the Constructing Authority to make and maintain fences along the said line; to authorise the construction of the said line on public roads; to provide for the imposition of a tax on certain lands in connection with such line; and for other purposes.

WHEREAS, in accordance with the provisions of the Public Preamble. Works Act, 1900, the Legislative Assembly did, by resolution, declare that it was expedient to carry out a certain work, namely, the construction of a line of railway from Cobar to Wilcannia: And
5 whereas on the passing of the said resolution a statutory duty was by the said Act imposed on the Secretary for Public Works to introduce

Cobar to Wilcannia Railway.

a Bill into the said Assembly to sanction the carrying out of the said work: Be it therefore 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 "Cobar to Wilcannia Railway Short title. Act, 1901."

2. The carrying out of the said work (more particularly Work sanctioned. described in the Schedule to this Act) is hereby sanctioned; and the Secretary for Public Works, or the Member of the Executive Council for the time being performing the duties of the said Secretary, is hereby authorised to undertake and carry out the said work, subject to the provisions of this Act, and for that purpose shall be, and shall have the powers and duties of, a Constructing Authority within the meaning of the Public Works Act, 1900:

Provided that the said work shall not be commenced to be constructed unless the private lands required for the construction of the line have been contracted by instrument in writing, to be conveyed by deed of gift, transfer, or exchange to the Crown, or there has been paid to the Constructing Authority a sum equal to or greater than the amount estimated by the said Authority to be required for the purchase or resumption of land (not being land within two miles of the boundaries of the municipalities of Cobar and Wilcannia respectively) for the said work, and the money so paid shall be applied for the purpose of the said purchase or resumption.

It shall be lawful for all parties being seised, possessed of, or entitled to, any such land, or any estate or interest therein, to contract to give and convey or release, and to give and convey or release the same to the said Secretary or Member for and on behalf of His Majesty; and the parties who are, by sections forty-five and forty-six of the Public Works Act, 1900, empowered to sell and convey or release lands which may be acquired under that Act are, if so seised, possessed, or entitled as aforesaid, hereby empowered to contract to give and convey or release, and to give and convey or release land so required for the carrying out of and the said work, for and on behalf of the same persons respectively for and on behalf of whom they are empowered to sell and convey or release lands under that section.

3. (1) Within three months after the commencement of this Act, the Secretary for Lands by notification in the Gazette shall declare the district which, in his opinion, will be benefited by the construction or use of the said line of railway, and may alter or amend any such notification. Upon the opening of the line to traffic the Secretary for Lands shall for the year, commencing on a day to be fixed by such Secretary, next following the opening of the line Tax on land benefited by line.

Cobar to Wilcannia Railway.

line to traffic impose and collect in respect of land within the said district, not being land within ten miles of the Cobar Railway Station, a tax of—

- 5 (a) one penny in the pound on the unimproved value of land within twenty miles of the line; and
 (b) one half-penny in the pound on the unimproved value of land beyond twenty and within thirty miles of the line; and
 (c) one farthing in the pound on the unimproved value of land beyond thirty and within forty miles of the line.

10 And for every year thereafter and until the Railway Commissioners of New South Wales certify that the receipts for the line during the next preceding year are sufficient to meet the working expenses and interest, at the rate of three per centum per annum, on the cost of construction of the line, the Secretary for Lands shall impose and
 15 collect a tax in respect of the said land, at a rate not exceeding that hereinbefore set out, so that the net proceeds of such tax, together with the receipts of the line during the then next preceding year, will amount to, but not exceed by more than ten per centum, the working expenses of that year and interest as aforesaid on the cost of
 20 construction of the line.

For the purposes of this section the unimproved value of any land shall be taken to be such value as assessed under the Land and Income Tax Assessment Act of 1895, or any Act amending the same.

The proceeds of such tax shall be paid into the Treasury and
 25 carried to the credit of the Revenue Account of the Railway Commissioners of New South Wales.

(2) For the purpose of carrying out the provisions of this Regulations.
 section the Secretary for Lands may, with the approval of the Governor, make regulations for the imposition, collection, payment,
 30 and recovery of any such tax; and may, in those regulations impose any penalty not exceeding ten pounds for any breach of the same; and any such penalty may be recovered in a summary way before any Court of Petty Sessions.

All such regulations shall be published in the Gazette, and shall
 35 be laid before both Houses of Parliament within fourteen days after such publication if Parliament is sitting, but if Parliament is not sitting then within fourteen days after the commencement of the next session.

(3) Any such tax shall be a charge on the land, in respect Charge on land.
 40 of which it has been imposed, and may be recovered by the Secretary for Lands in any Court of competent jurisdiction.

4. The plan of the said work is the plan marked "Cobar to Plan of work.
 Wilcannia Railway," signed by the Secretary for Public Works and countersigned by the Engineer-in-Chief for Railway Construction,
 45 and deposited in the public office of the said Secretary.

Cobar to Wilcannia Railway.

5. The cost of carrying out the said work, estimated at five hundred and ten thousand nine hundred and twenty-seven pounds, may be defrayed from such Loan Votes as are now or may hereafter be applicable to that purpose, and shall not under any circumstances exceed the estimated cost by more than ten per centum.

Cost, how to be defrayed.

6. Notwithstanding the provisions of section eighty-four of the Public Works Act, 1900, the Constructing Authority shall not be required nor compelled nor shall it be the duty of the said Authority to make or maintain any fence along the said line of railway for the accommodation of any person or for any purpose whatsoever; but the said Authority may, in its discretion, make and maintain such fences in connection with the said line of railway as it may think fit.

Constructing Authority not required to fence the line.

7. The said line of railway may be constructed on any public road.

Line may be on road

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SCHEDULE.

Cobar to Wilcannia Railway.

This line is an extension of the Nyngan to Cobar railway, and beginning at four hundred and fifty-nine miles thirty-six decimal sixty chains from Sydney proceeds in a generally west by south direction between the parishes of Balah and Amphitheatre, and through Gidgie, Springfield, Bluff, Cuckaroo, and passing south of Brockmetta Lake, and close to Rock Tank; after crossing Bulla Range, the line runs northwards down Cookermilerie Creek, and again westerly through the parishes of Wooree, Moama, to Moama out-station; thence west by south through the parishes of Yoree, Neelyah, and Weatherley, and along the southern boundaries of Goonalgaa, and Calcoo, through Gunyulka to travelling stock reserve number three hundred and twenty-one; the line then follows this north north-westerly to the east bank of Darling River, where it ends at about one mile forty-eight chains from the western boundary of reserve five hundred and eighty-seven in the township of Wilcannia, measured back along the staked line, being a total length of about one hundred and sixty-three miles seventy-two chains, subject to such deviations and modifications as may be considered desirable by the Constructing Authority.

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