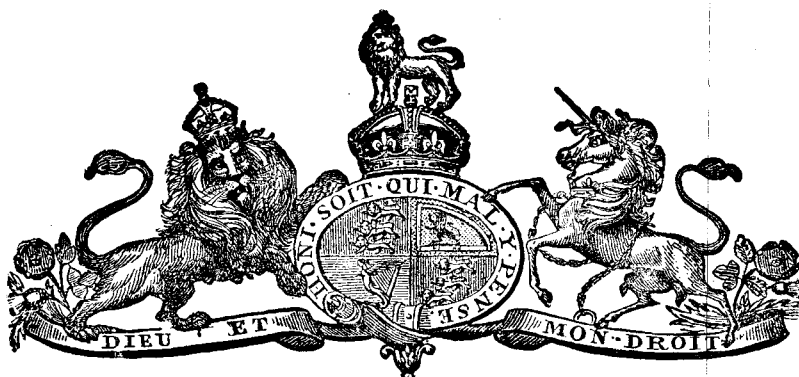


T A S M A N I A.



1915.

ANNO QUINTO

GEORGII V. REGIS.

No. 39.

ANALYSIS.

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| 1. Short title. | 5. Provisions of 49 Vict. No. 41 incorporated. |
| 2. Interpretation. | 6. Application of "The Land Resumption Act, 1910." |
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AN ACT to authorise the Construction of a Tramway from the North-Western Railway Line at Don Heads to a point in the vicinity of Melrose, and for other purposes.

A.D.
1915.

[6 February, 1915.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1 This Act may be cited as "The Don Heads-Melrose Tramway Act, 1915." Short title.

2 In this Act, unless the context otherwise determines—

Interpretation.

"The Minister" means the Minister of Lands and Works for the time being, and includes any contractor or other person appointed or employed by him :

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“The tramway,” and “The said tramway” includes all works, buildings, stations, and erections to be erected or built on or connected with the tramway to be constructed under this Act, the land upon which the same are or may be respectively erected or built, and all land used in connection therewith :

“The purposes of this Act” means the execution of all works necessary to construct, uphold, and maintain the tramway to be constructed under this Act.

Minister to cause tramway to be constructed.

3 It shall be lawful for the Minister to cause to be surveyed, constructed, and completed a line of tramway from the North-Western Railway Line at Don Heads, for a distance of Six miles or thereabouts, to a point in the vicinity of Melrose.

Provided that it shall not be lawful for the Minister to commence to construct such tramway unless and until the Broken Hill Proprietary Company Limited shall, to the satisfaction of the Crown Solicitor and the Commissioner for Railways, have entered into a binding agreement with the Minister, guaranteeing not less than Thirty thousand tons of freight yearly over the said tramway for a period of Ten years at the rate per ton to be agreed upon between the Commissioner for Railways and the said Company, not being less than One Shilling per ton.

Limit of expenditure and defrayment of cost.

4 The expenditure for the construction and completion of the said tramway (including all expenditure for or in relation to all land authorised to be acquired by this Act) shall not exceed the sum of Twenty-one thousand Pounds, and the whole of the moneys to be expended under or for the purposes of this Act shall be defrayed out of moneys to be provided by Parliament for that purpose.

Provisions of 49 Vict. No. 41 incorporated.

5 All the provisions contained in Sections Six, Eight, Ten, Twelve, and Thirteen, Sections Fifteen and Sixteen, Twenty-four and Twenty-five, and Sections Thirty-one and Thirty-two of “The Railway Construction Act, 1885,” are hereby incorporated with this Act, and shall apply to the said tramway, and where in any of the said incorporated sections the said Act is referred to, it shall be deemed to mean this Act.

Application of “The Lands Resumption Act, 1910.”

6—(1) The Minister may, if the Governor approves, out of the said sum of Twenty-one thousand Pounds, purchase, acquire, and take the whole of the strip of land, extending from Don Heads up to Lot Five thousand one hundred and sixty-nine at Barrington (being Three hundred and twenty acres purchased by one *Thomas Stephens*), constituting the line of the old Don tramway, or connected therewith, as if the same were required for the purposes of the public work or tramway to be constructed under this Act, and also such other land as may be necessary or convenient for, or in connection with the said public work or tramway : Provided that the Minister shall not pay more than One thousand and fifty Pounds for the whole

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of the old Don Tramway, and all land, works, and rights connected therewith or relating thereto, the same to be free from all claims, demands, and incumbrances whatsoever. A.D. 1915.

(2) The provisions of "The Lands Resumption Act, 1910," shall apply, subject to any modifications or alterations made by this Act.

The expressions "public purpose" and "public work" in "The Lands Resumption Act, 1910," shall be deemed to include any purpose for which land may be acquired by virtue of this Act.

(3) Any claim for compensation under Section Twelve of "The Railway Construction Act, 1885," shall be made and determined under "The Lands Resumption Act, 1910," in like manner as in the case of a claim under that Act for damage suffered by reason of the exercise of any powers under Part III. of that Act; and the provisions of "The Lands Resumption Act, 1910," applicable in the case of any such last-mentioned claim, especially Section Thirty-seven thereof, shall, with any necessary alterations, apply in the case of every claim for compensation under Section Twelve of "The Railway Construction Act, 1885."

(4) The powers exercisable under Section Twenty-five of "The Lands Resumption Act, 1910," may be exercised on or in relation to any land, whether in the vicinity of the land purchased, acquired, or taken or not.

7 The Governor may, by proclamation, declare the said tramway to be a "railway" within the meaning of "The Railway Management Act, 1891," and every Amendment thereof, and thereupon, subject to the provisions of this Act, the said tramway shall be subject to all the provisions of "The Railway Management Act, 1891," and its amendments, and be under the management, maintenance, and control of the Commissioner for Railways.

Tramway subject
to 55 Vict. No
40 and its
amendments.

