

1962.

VICTORIA.



ANNO UNDECIMO

ELIZABETHÆ SECUNDÆ REGINÆ

No. 6852.

An Act to divest the Railway Bridge over the Thomson River near Walhalla from The Victorian Railways Commissioners and to vest the said Bridge in the President Councillors and Ratepayers of the Shire of Narracan, and for other purposes.

[3rd April, 1962.]

Preamble.
No. 5939.

WHEREAS by the *Railways Dismantling Act 1955* it was provided *inter alia* that The Victorian Railways Commissioners should have power to dismantle the Moe and Walhalla Railway and that, upon the completion of the dismantling of the parts of the said railway situated on lands which immediately prior to their vesting in the Board of Land and Works were unalienated lands of the Crown and which had never been granted in fee simple to the said Commissioners or to the said Board, the said lands should be divested out of the said Commissioners and again be and be deemed to be unalienated lands of the Crown :

And whereas so much of the track and equipment of the said railway as was carried or supported by the railway bridge over the Thomson River near Walhalla including the approaches thereto has already been dismantled :

And

And whereas the said bridge (including the approaches thereto consisting of earthen embankments) is situated in the Shire of Narracan over the Thomson River and on lands which were formerly unalienated lands of the Crown as aforesaid and have never been granted in fee simple to the said Commissioners or to the said Board :

And whereas the said bridge and the approaches thereto are shown colored red on a plan lodged in the Central Plan Office of the Department of Crown Lands and Survey and numbered W277Z2 :

And whereas it is expedient that the said bridge should be preserved and that it should be divested from the said Commissioners and vested in the President Councillors and Ratepayers of the Shire of Narracan :

Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say) :—

1. This Act may be cited as the *Railways (Thomson River Bridge) Act 1962.* Short title.

2. In this Act unless inconsistent with the context or subject-matter— Interpretation.

“ Bridge ” means the hereinbefore recited railway bridge which formerly carried the Moe and Walhalla Railway over the Thomson River near Walhalla and includes the approaches thereto. “ Bridge.”

“ Shire ” means the President Councillors and Ratepayers of the Shire of Narracan. “ Shire.”

3. (1) Notwithstanding anything in the *Railways Dismantling Act 1955* the bridge together with the lands on which the supports thereof and the approaches thereto are situated shall be divested from The Victorian Railways Commissioners and vested in the Shire. Divesting of Thomson River bridge from Commissioners and vesting thereof in Shire.
No. 5939.

(2) For the purposes of the said Act the bridge shall be deemed to have been dismantled.

4. The Shire may from time to time by its servants agents contractors and workmen on any Crown land in the vicinity of the bridge carry out such operations and use such equipment as may be reasonably necessary for maintaining or repairing the bridge. Power to Shire to carry out maintenance to bridge on Crown land.

5. Subject

As to Crown
lands beneath
the bridge.

5. Subject to the provisions of section four of this Act the provisions of the *Land Act* 1958 and all reservations proclamations and dedications in relation to any unalienated Crown land beneath the bridge shall have effect or be or continue in force except to the extent that they may be necessarily excluded limited or modified by the existence of the bridge and the supports thereof.

Flow of river
not to be
interfered with
by disrepair of
bridge.

6. The Shire shall not permit the flow of the Thomson River to be interfered with by reason of the disrepair of the bridge.

Duty of Shire
to remove
bridge.

7. If at any future time the Shire no longer desires to preserve the bridge the Shire shall dismantle and remove the supports and all parts of the superstructure thereof and upon the completion of the dismantling of the supports and superstructure the land vested in the Shire by this Act shall be divested from the Shire and shall again be and be deemed to be unalienated land of the Crown.
