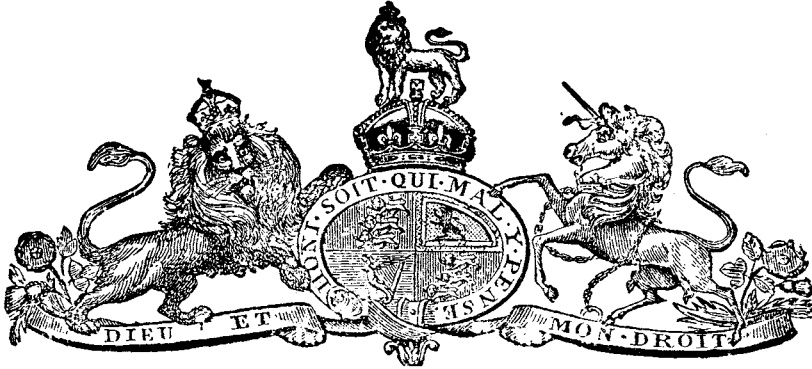


TASMANIA



1916.

ANNO SEPTIMO

GEORGI V. REGIS.

No. 27.

ANALYSIS.

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AN ACT to authorise the Governor to purchase the Tramway, Jetty, Rolling-stock, and other property belonging to the Tasmanian Wallsend Colliery Company Limited, and for other purposes. [23 December, 1916.]

A.D.
1916.

WHEREAS it is deemed expedient that the Governor should be authorised, for and on behalf of the State of Tasmania, to purchase the Tramway, Jetty, Rolling-stock, and other property belonging to the Tasmanian Wallsend Colliery Company Limited : PREAMBLE.

Be it therefore 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 :—

Wallsend Colliery Tramway Purchase.

A.D. 1916.

Short title.

Interpretation.

1 This Act may be cited as “The Wallsend Colliery Tramway Purchase Act, 1916.”

2 In this Act, unless the context otherwise requires—

“The Governor” means the Governor by and with the advice of the Executive Council :

“The Company” means The Tasmanian Wallsend Colliery Company Limited, a Company registered under “The Companies Act, 1869,” and any person or persons claiming by, through, or under the Company :

“The Minister” means the Minister of Lands and Works for the time being :

“The tramway” means—

i. The tramway or strip of land about One chain wide commencing from the sea-end of and running along a jetty about Two hundred and forty feet long erected on the western shore of North-West Bay and situated about Fifty chains south from the point known as The Chimneys, thence running or extending, as constructed and charted, from the said jetty for a distance of Twelve and a half miles or thereabouts in several bearings, mainly in a westerly direction, to a point on the eastern boundary of a reserve (at or near the Sandfly Colliery) distant about Four chains and sixty links from the north-west angle of certain Forty-seven and a quarter acres of land purchased by A. Westgarth, including the permanent way thereof and the said jetty, together with all works, buildings, stations, sidings, erections, and things erected or built on, or connected with the said tramway and jetty ; and

ii. All land upon which the same are respectively constructed, erected or built ; all lands used in connection therewith ; and all lands vested in, or agreed to be transferred, conveyed, or assured to, or belonging to the Company ; and all interests of the Company in any leasehold lands in Tasmania ; and

iii. All plant, locomotives, tenders, carriages, trucks, rolling-stock, steam engines, weighbridges, machinery, or any parts of the same, furniture, books, tools, implements, equipment, and appliances of every kind whatsoever, stores and tramway material, used or connected with or appertaining to the said tramway, jetty, or works, or any of them, or belonging to the Company :

“The undertaking” means and includes the tramway as hereinbefore defined, and all the rights, powers, privileges, authorities, advantages, and concessions whatsoever, conferred upon, vested in, held, enjoyed, or possessed by the Company or any person claiming by, through, or under the Company in connection with, or appurtenant to, the tramway as hereinbefore defined.

Wallsend Colliery Tramway Purchase.

- 3** It shall be lawful for the Governor, if he shall see fit, for and on behalf of the State of Tasmania, to purchase the undertaking from the Company for the sum of Four thousand five hundred Pounds. A.D 1916.
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Governor may purchase tramway.
- 4** The Company shall, until such purchase be completed, maintain the Company's undertaking in as good order and condition as the same was in at the time of the passing of this Act. Company to maintain undertaking.
- 5** The Company shall allow all reasonable facilities and render all reasonable assistance to such person as may be appointed by the Governor to take a complete inventory and examine the state of the undertaking. Company to facilitate taking of inventory.
- 6** If the Governor purchases the undertaking no sum of money shall be payable or paid by the Governor to any officer or servant of the Company, by way of compensation for any loss of office or employment suffered by such officer or servant by reason of the purchase. No compensation to officers of Company.
- 7**—(1) The payment for the purchase of the undertaking shall be made out of moneys to be provided by Parliament for the purpose. Defrayment of cost of purchase.
(2) No portion of the purchase moneys shall be paid to the Company until the Crown Solicitor has certified in writing that the Company has entered into a binding agreement with the Governor, containing such clauses and undertakings as are in the opinion of the Crown Solicitor, necessary or advisable.
- 8**—(1) Subject to the provisions of Subsection (2) of this section the Governor may at any time after the execution of the agreement mentioned in Section Seven hereof by a proclamation or proclamations published in the "Gazette" declare that the undertaking as defined by this Act or any part or parts thereof indicated in the proclamation shall vest in His Majesty and forthwith upon such publication the undertaking or the part or parts thereof referred to in the proclamation shall without the necessity of any transfer, conveyance or other assurance revert to and vest in His Majesty freed and discharged from all encumbrances, estates, interests, trusts, obligations, contracts, licences, charges, rates, claims for compensation or otherwise, rights of way, or other easements. Vesting of the undertaking by proclamation.
(2) Before publishing any such proclamation so vesting the said strip of land One chain or thereabouts wide mentioned in paragraph 1 of the definition of "Tramway" or any part thereof, the Governor shall by notification published in the "Gazette" and in Three issues of a newspaper circulating in the locality in which the tramway is situate declare that he intends to publish the said proclamation stating shortly the effect thereof:
If within One calendar month after the date of the publication of the said notification in the "Gazette" cause is shown against the proposed vesting in His Majesty of any portion of the said strip of land—not being the subject of a purchase from the Crown subsequent

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to the construction of the tramway—by notice in writing (setting forth the claim with particulars, and describing the land affected), given to the Minister by any person claiming to be interested in such portion who, or whose predecessor in title, has not by instrument under his hand agreed to convey, transfer, or assure the same for tramway purposes, and the Governor is satisfied of the sufficiency of the cause shown, then upon the publication of the proclamation under this section vesting the said strip of land or such portion thereof as aforesaid in His Majesty—

- I. The estate and interest of the said person so showing cause as aforesaid in the portion of the said strip of land in respect of which he shows cause shall be taken to have been converted into a claim for compensation against the Company :
- II. The provisions of "The Lands Resumption Act, 1910," respecting compensation, with the necessary alterations, shall apply so far as practicable to such estate and interest as if it were compulsorily acquired by the Governor under that Act for a public work except that any compensation therefor shall be payable by the Company :

"The Railway Management Act, 1891," not to apply

Minister of Lands may lease or work the tramway.

9 If the Governor purchases the undertaking—

- I. The tramway shall not be deemed to be a railway within the meaning of "The Railway Management Act, 1891," the provisions of which Act shall not apply thereto: and
- II. It shall be lawful for the Minister from time to time with the consent of the Governor—
 - (a) To enter into an agreement with any person or municipal council to lease the undertaking or any part thereof to and for the management, working, maintenance, and control thereof by that person or municipal council, for such period upon such terms and conditions and stipulations as the Governor may approve :
 - (b) To make such provision for the working, under the Minister's control, of the undertaking or any part thereof as the Governor may approve :

Provided that in any case the management, working, and control shall be subject to such regulations in that behalf as the Governor may think fit to make :

- III. It shall be lawful for the Minister from time to time, with the consent of the Governor, out of moneys to be provided by Parliament for the purpose, to purchase, acquire, and take under and subject to the provisions of "The Lands Resumption Act, 1910," such land—other than land included in the tramway as defined by this Act—as the Minister may deem necessary for or in connection with the tramway or the purposes thereof :

Minister may acquire other land, if necessary.
1 Geo. V. No. 11.

Wallsend Colliery Tramway Purchase.

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. A.D. 1916.

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.

10 If the Governor purchases the undertaking—

- I. It shall be lawful for the Minister to cause the undertaking to be repaired and improved at a cost not exceeding Three hundred Pounds, to be defrayed out of moneys to be provided by Parliament for the purpose: and
- II. For the purposes of such repairs and improvements all the provisions contained in "The Public Works Construction Act, 1880," and "The Branch Roads Construction Act, 1881," shall be applicable as fully in all respects as if the said provisions had been incorporated in this Act.

Minister may repair and improve undertaking at cost of £300.

Provisions of 44 Vict. No. 32 and 45 Vict. No. 31 to be applicable.

11 Nothing contained in this Act shall render the Governor personally liable for anything done or omitted to be done by him under this Act. Governor not liable.

12 The Governor may make all regulations, not inconsistent with this Act, prescribing all matters and things which by this Act are required or permitted to be prescribed, or which he deems necessary or convenient to be prescribed, for giving effect to or carrying out this Act. Regulations.

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