

Act No. 88, 1902.

BOGAN GATE TO
BULBODNEY
RAILWAY.

An Act to sanction the construction of a line of Railway from Bogan Gate to Bulbodney ; to amend the Public Works Act, 1900, so far as it 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. [7th November, 1902.]

Preamble.

WHEREAS, in accordance with the provisions of the Public 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 Bogan Gate to Bulbodney : And 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 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 :—

Short title.

1. This Act may be cited as the "Bogan Gate to Bulbodney Railway Act, 1902."

Work sanctioned.

2. The carrying out of the said work (more particularly 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.

Tax on land benefited by line.

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 Railway Commissioners of New South Wales shall for the year, commencing on

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on a day to be fixed by them, next following the opening of the line to traffic impose and collect in respect of land within the said district a tax of—

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

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 Railway Commissioners of New South Wales shall impose and 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 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 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 Assessment, collection, and recovery of betterment tax. section all the provisions of the Land and Income Tax Assessment Act of 1895, and of any Act amending the same, relating to the assessment of the value of land for the purposes of land tax, and to the collection, payment, and recovery of land tax under the said Acts, shall apply mutatis mutandis to the assessment of the value of the land benefited as aforesaid, and to the collection, payment, and recovery of the tax thereon under this section; and such tax shall, until payment, be a charge on the land so taxed in priority to all sales, conveyances, mortgages, charges, liens, and encumbrances whatsoever, save and except the charge thereon in respect of land tax under the said Acts, and for the purposes aforesaid the Railway Commissioners of New South Wales shall have all the powers conferred on the Commissioners for Taxation by the said Acts.

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

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Cost, how to be defrayed.

Constructing Authority not required to fence the line.

Line may be on road.

5. The cost of carrying out the said work, estimated at two hundred and forty-four thousand three hundred and seventy 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.

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.

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

SCHEDULE.

Bogan Gate to Bulbodney Railway.

This line commences by a junction with the Parkes to Condobolin railway at the east end of Bogan Gate station, at two hundred and ninety-one miles forty-eight chains eighty-three links from Sydney, and proceeds in a north-westerly direction along travelling stock reserve six thousand six hundred and forty-five, and skirting the main road to Gobondry, which is crossed several times, Trundle being passed at three hundred and eight miles, ten miles beyond which a more northerly direction is taken until Bullock Creek is crossed, at three hundred and thirty-two miles. The north-westerly direction is then resumed, the road from Dandaloo to Melrose being crossed at three hundred and fifty miles, and the line ends near Bulbodney Creek, at three hundred and sixty-six miles fifty-three chains eighty-three links, being a distance of seventy-five miles five chains, and subject to such deviations and modifications as may be considered desirable by the Constructing Authority.