

Act No. 89, 1902.

An Act to sanction the construction of a line of Railway from Temora to Barellan ; 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.]

TEMORA  
TO BARELLAN  
RAILWAY.

**W**HEREAS, 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 Temora to Barellan : 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 :—

Preamble.

1. This Act may be cited as the "Temora to Barellan Railway Act, 1902."

Short title.

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.

Work sanctioned.

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

Tax on land benefited by line.

*Temora to Barellan Railway.*

commencing 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, not being land within three miles of the Temora Railway Station, a tax of—

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

Assessment,  
collection, and  
recovery of  
betterment tax.

(2) For the purpose of carrying out the provisions of this 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.

Plan of work.

4. The plan of the said work is the plan marked "Temora to Barellan 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.

5.

*Burwood Municipal Loan Validation.*

5. The cost of carrying out the said work, estimated at one hundred and eighty-three 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.

## SCHEDULE.

*Temora to Barellan.*

This line is an extension westward of the branch railway from Cootamundra to Temora, and begins at the north end of the station in the latter town, at two hundred and ninety-one miles thirty chains from Sydney, and proceeds in a due west course for about six miles to the watershed of the Lachlan and Murrumbidgee Rivers; thence it diverges slightly to the north, passing south of Mandamah or Broken Dam to Mirool Creek, which is followed south-westerly, passing Five-mile Dam and Ariaah, it crosses that creek near Warri; thence a west by north direction is adopted for about nine miles, passing to the south of Taylor's Hill, and, after taking a due west course for about ten miles, the line ends near Barellan at between three hundred and fifty-one miles and three hundred and fifty miles from Sydney; being a total length of about sixty miles, and subject to such deviations and modifications as may be considered desirable by the Constructing Authority.