

Act No. 43, 1900.

An Act to sanction the construction of a line of Railway from Gundagai to Tumut; to amend the provisions of the Public Works Act of 1888, so far as they relate 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. [5th November, 1900.]

GUNDAGAI TO  
TUMUT RAILWAY.  
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**W**HERAS, in accordance with the provisions of the Public Works Act of 1888, 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 Gundagai to Tumut: 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 Queen'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:—

1. This Act may be cited as the "Gundagai to Tumut Railway Act, 1900."

Short title.  
2.

*Gundagai to Tumut Railway.*

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 of 1888.

Tax on land benefited by line.

**3.** (1) Within three months after the commencement of this Act, the Railway Commissioners of New South Wales by notification in the Gazette shall declare the district, which in their 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 said Commissioners shall for the year, commencing on a day to be fixed by such Commissioners, next following the opening of the line to traffic, impose and collect in respect of land within the said district, not being land within ten miles of the Gundagai 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 they 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 Commissioners 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.

Regulations.

(2) For the purpose of carrying out the provisions of this section the said Commissioners may, with the approval of the Governor, make regulations for the imposition, collection, payment, and recovery of any such tax; and may, in those regulations impose any penalty not exceeding ten pounds for any breach of the same; and any such penalty may be recovered in a summary way before any Court of Petty Sessions.

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All such regulations shall be published in the Gazette, and shall be laid before both Houses of Parliament within fourteen days after such publication if Parliament is sitting, but if Parliament is not sitting then within fourteen days after the commencement of the next session.

(3) Any such tax shall be a charge on the land, in respect of which it has been imposed, and may be recovered by the said Commissioners in any Court of competent jurisdiction. Charge on land.

4. The plan of the said work is the plan marked "Gundagai to Tumut 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. Plan of work.

5. The cost of carrying out the said work, estimated at one hundred and sixty-one thousand one hundred and eighty-one 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 one hundred and six of the Public Works Act of 1888 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.

*Gundagai to Tumut Railway.*

This line is an extension of the Cootamundra-Gundagai Railway, and commences at two hundred and eighty-six miles fifty-six chains from Sydney. It crosses the Murrumbidgee River, and passing through South Gundagai, follows the southern side of the river to where it is joined by the Adelong Creek, the eastern bank of which is followed for about nine miles to Bunnabuckbuck Creek, which is crossed; thence the line proceeds in a south-easterly direction to the head of, and thence along the valley of Gadara Creek, and after crossing it and Gilmore Creek it traverses the eastern bank of the latter north-easterly to Tumut. The line ends at the marked tree road in the permanent common, close to the north-western end of the township, at three hundred and eighteen miles eleven chains from Sydney, being a total distance of thirty-one miles thirty-five chains, and subject to such deviations and modifications as may be considered desirable by the Constructing Authority.