

## **GOVERNMENT RAILWAYS (AMENDMENT) ACT.**

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### **Act No. 11, 1965.**

**Elizabeth II, An** Act to vest the title to certain lands and strata of  
**No. 11, 1965** lands and to certain easements occupied or used  
for the purposes of the City Railway in The  
Commissioner for Railways; to validate certain  
matters; for these and other purposes to amend  
the Government Railways Act, 1912-1964; and  
for purposes connected therewith. [Assented to,  
11th October, 1965.]

WHEREAS

WHEREAS doubts have arisen as to the title of The Commissioner for Railways to certain of the lands strata of lands and easements occupied or used for the purposes of the work described in the First Schedule to the City and Suburban Electric Railways Act, 1915-1947.

No. 11, 1965  
Preamble.

AND WHEREAS it is desirable that such doubts should be resolved. 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. (1) This Act may be cited as the "Government Railways (Amendment) Act, 1965".

Short title  
and  
citation.

(2) The Government Railways Act, 1912, as amended by subsequent Acts and by this Act, may be cited as the Government Railways Act, 1912-1965.

2. The Government Railways Act, 1912, as amended by subsequent Acts, is amended by inserting next after section 12A the following new section :—

Amendment  
of Act No.  
30, 1912.

New sec.  
12B.

12B. (1) In this section :—

"Plan" means the plan numbered 1024-41. 781A and marked "Plan showing Land Occupied by the Sydney City Railway Tunnels Stations and Approaches to Stations" deposited in the office of The Commissioner for Railways at Sydney and marked with the common seal of the said Commissioner.

Vesting of  
land  
occupied  
or used for  
City  
Railway.

"Longitudinal Section" means the longitudinal section numbered 1024-41. 782A and marked "Longitudinal Section Showing Levels of the Strata Occupied by the Sydney City Railway Tunnels Stations and Approaches to Stations" deposited in the office of The Commissioner for Railways at Sydney and marked with the common seal of the said Commissioner.

(2) Those portions of the lands occupied or used for the purposes of the work described in the First Schedule to the City and Suburban Electric Railways Act,

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Act, 1915-1947, which comprise the parts of the land shown by green colour on the Plan and Longitudinal Section which are occupied by the sites of the four piers of the railway overbridge in Eddy Avenue, are hereby vested in The Commissioner for Railways for an estate in fee simple.

(3) Those portions of the lands occupied or used for the purposes of the work described in the First Schedule to the City and Suburban Electric Railways Act, 1915-1947, which comprise the parts of the land, other than the parts referred to in subsection two of this section, which are shown by green colour on the Plan and Longitudinal Section and which, being strata, lie between the levels indicated in respect thereof on the Longitudinal Section or, where only lower or upper levels are indicated in respect thereof on the Longitudinal Section, lie above or, as the case may be, below the levels so indicated, are hereby vested in The Commissioner for Railways in fee simple.

(4) An easement over, across, through or under those portions of the lands occupied or used for the purposes of the work described in the First Schedule to the City and Suburban Electric Railways Act, 1915-1947, which comprise the parts of the land which are shown by red and yellow colour respectively on the Plan and which, where within strata, lie between the levels indicated in respect thereof or otherwise lie above the levels indicated in respect thereof on the Longitudinal Section, is hereby vested in The Commissioner for Railways.

The easement so vested is an easement conferring all such powers, functions and rights as are necessary or convenient for the construction, operation and maintenance of an electric railway and for all purposes connected with or incidental to such construction, operation and maintenance.

(5) No claim, other than a claim for compensation under the City and Suburban Electric Railways Act, 1915, or under that Act as amended from time to time, shall

shall lie in respect of the occupation or use by The No. 11, 1965  
Commissioner for Railways or by any statutory authority  
which for the time being occupied or used the same for  
the purposes of that Act, or that Act as so amended,  
of the lands, strata of lands or easements vested in the  
said Commissioner by this section, or in respect of such  
vesting.

(6) The stratum of land occupied for the  
purposes of the approach to the Sydney Harbour Bridge  
which is shown by green hatching on the Plan and which  
lies between the levels indicated in respect thereof on  
the Longitudinal Section is hereby vested in The Com-  
missioner for Railways in fee simple.

(7) Where an easement or a stratum is vested  
in The Commissioner for Railways by or under this  
section and any dispute arises between The Commissioner  
and the Council of the City of Sydney or other the person  
entitled to the surface or subsoil of or to the land through  
which the easement passes or to any other strata of the  
land as to their respective rights, powers, interests,  
liabilities or obligations the matter in dispute shall be  
referred to the Governor through the Minister, and shall  
be determined by the Governor or in such manner as  
the Governor directs.

(8) The title vested by the foregoing provisions  
of this section shall be supplementary to and in confirma-  
tion of any other title to the said lands, strata of lands,  
and easements which The Commissioner for Railways  
may have acquired either directly or by succession to  
any other statutory authority which for the time being  
occupied or used the same for the purposes of the City  
and Suburban Electric Railways Act, 1915, or of that  
Act as amended from time to time.