

No. 3561.

**An Act to authorize the Construction  
by the State of a Line of  
Railway from Nowingi to  
Millewa South.**

[30th December, 1927.]

**B**E it enacted by the King's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say) :—

Short title.

1. This Act may be cited as the *Nowingi to Millewa South Railway Construction Act 1927.*

Interpretation.

2. In this Act unless the context otherwise requires—

“ Board ” means the Board of Land and Works.

“ Commissioners ” means the Victorian Railways Commissioners.

“ Land ” includes all real estate messuages lands tenements hereditaments and easements of any tenure.

“ Line ” means line of railway.

Power to make  
Nowingi to  
Millewa South  
Railway.  
Schedule.

3. (1) It shall be lawful for the Board to make and construct the following railway in the line and upon the lands described in the Schedule to this Act and within any deviation thereof as herein provided and all proper works and conveniences in connexion therewith (that is to say) :—

A five feet three inches gauge railway commencing at or near Nowingi Railway Station on the Woomelang through Mildura to Yelta Railway in the parish of Nurnurnemal, County of

Karkaroc

Karkaroc, proceeding thence for about thirty-five miles in a westerly direction, and terminating at a point in the County of Millewa situated about eight miles south of the southerly boundaries of the Parishes of Koleya and Mallanbool in the line and upon the lands described in the Schedule to this Act to be called the Nowingi to Millewa South Railway.

(2) The said line shall not be subject to the provisions of the Railway Lands Acquisition Acts. Nos. 2715 &c.

4. It shall be lawful to deviate from the said line on either side thereof at any part thereof as provided for in and by such Schedule; and in consequence of such deviation the said line may be increased in length to an extent of not more than one-tenth of the entire length of such line as described in such Schedule. Limit of deviation.  
Schedule.

5. (1) The expenditure for the construction of the said line of railway shall not exceed One hundred and thirty-two thousand three hundred and seventy-eight pounds, including Six thousand three hundred and seventy-eight pounds for rolling-stock. Limit of expenditure.

(2) Notwithstanding anything in the Developmental Railways Acts or in any other Act there shall be paid out of the amount standing to the credit of the trust account kept in the Treasury and called "The Developmental Railways Account" a sum of not more than Thirty-five thousand pounds to meet expenditure to be incurred under this Act. Expenditure out of "The Developmental Railways Account."  
Nos. 2610, 2787.

6. Notwithstanding that the land of any owner or occupier may be described in the Schedule to this Act as the land through or near to which the said line is intended to pass no right or claim shall be conferred upon any such owner or occupier to require that any such line should so pass through or near to such land or other land of such owner or occupier, and no deviation from any such line or route whether such deviation be made under the authority of this or any other Act shall entitle any such owner or occupier to compensation therefor. Lands being included in Schedule &c. to confer no right to require line to pass through such lands or to compensation.  
Schedule.

7. For

Power to enter upon lands and construct railway.

7. For the purposes of this Act it shall be lawful for the Board its successors deputies agents and workmen and all other persons by it authorized, without making any previous payment or having the previous consent of the owner or occupier, to enter into and upon the land of any person whomsoever and to survey and take levels of the same and to ascertain and stake or set out take possession of use and appropriate such parts thereof as the Board deems necessary and proper for the laying out making constructing maintaining altering repairing and using the said line and all other works matters and conveniences connected therewith, and in or upon such land to exercise all or any of the powers conferred on the Board by section forty-six of the *Railways Act* 1915, and in or upon any land to make construct and use any permanent or temporary road or tramway upon over or through the same for the purpose of conveying earth stone timber gravel sand or any materials or things which the Board deems proper or necessary for laying out making constructing maintaining altering repairing and using such railway. In the exercise of the powers by this Act granted the Board and other persons shall do as little damage as may be.

No. 2716 s. 46.

Treasurer's approval of contract or expenditure required.

8. No contract shall be entered into or expenditure made for the construction of the said line of railway until such contract or expenditure has been previously approved in writing by the Treasurer of Victoria.

No purchase money or compensation payable by Board Commissioners or Government.

9. Notwithstanding anything in any Act no person shall be entitled to receive or shall receive from the Board or the Commissioners or the Government of Victoria any purchase money for any land required for the said line or any compensation in respect of any land required to be used in connexion with or likely to be prejudicially affected by the construction of the said line or in consequence of any part of such line being laid out made constructed maintained altered repaired or used on any road.

Width of land for railway.

10. The land to be taken or used for the said line shall not exceed one hundred yards in width, except for any station or where a greater width shall be judged by the Board to be necessary.

11. On

11. On the said line neither the Board nor the Commissioners shall be bound to erect or contribute to the erection of any dividing or other fence or to erect gates or to employ gatekeepers at any public or occupation road crossing, nor shall the Board or the Commissioners be liable for any damage which may be caused by the absence of gates or gatekeepers at the said crossings or by reason of such line not being fenced in or fenced off.

Board need not fence &c.

12. The Board may enter into and take and use any land for the construction of any reservoir aqueduct pipe track or for any proper work or convenience in connexion with the said line and may take and use any road for laying out making constructing maintaining altering repairing and using any part of any such line.

Power to construct reservoirs and to use roads.

13. All laws by-laws regulations and conditions for the time being in force on the railways vested in the Board or in the Commissioners shall so far as the same are capable of being applied be in force on the railway authorized by this Act to be constructed.

Laws by-laws &c. to be in force.

14. Nothing in this Act shall affect or in any manner alter or vary any of the provisions in the Audit Acts or any Acts relating to Crown lands.

Audit and Land Acts not affected.

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SCHEDULE.

Sections 3 4, and 6.

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NOWINGI TO MILLEWA SOUTH.

Commencing at or near Nowingi railway station on the Woomelang through Mildura to Yelta railway in the Parish of Nurnurnemal, County of Karkaroc, and proceeding thence for about thirty-five miles in a westerly direction through the parishes of Nurnurnemal and Carool out of the County of Karkaroc into the County of Millewa and terminating in the County of Millewa at a point about eight miles south of the southerly boundaries of the parishes of Koleya and Mallanbool, subject to such deviations and modifications as may be considered desirable by the Board.

No. 3562.