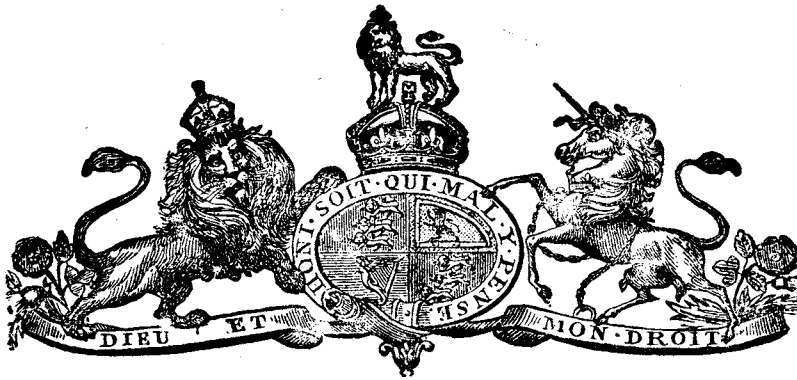


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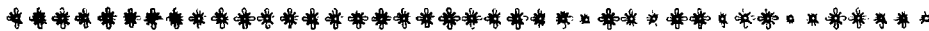
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EDWARDI VII. REGIS,

No. 42.

ANALYSIS.

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|---|---|
| <ul style="list-style-type: none"> 1. Short title. 2. Power to Minister to purchase lands. 3. Limit of expenditure and defrayment of cost. 4. Provisions of 49 Vict. No. 41 incorporated. | <ul style="list-style-type: none"> 5. No compensation payable in respect of land taken where right to make road reserved to Crown. 6. On acquisition of land no compensation payable if otherwise provided in grant or enabling Act. 7. Compensation, how estimated. 8. Value of land, how estimated. |
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AN ACT to authorise the Acquisition and Purchase of Land required for the purposes of the Proposed *Burnie-Flowerdale* Railway, for which the Contract Survey is authorised by "The Railway Survey Act, 1908."

A.D. 1909.

[20 December, 1909.]

BE it enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1 This Act may be cited for all purposes as "The Land for *Burnie-Flowerdale* Railway Acquisition Act, 1909."

4d.]

Burnie-Flowerdale Railway Land Acquisition.

A.D. 1909.

Power to Minister
to purchase lands.
8 Ed. VII. No.
19.

2 It shall be lawful for the Minister for Lands and Works, if the Governor approves, to purchase, acquire, and take such land along and adjacent to the surveyed route thereof as may be required for the purposes of a line of railway proposed to be constructed from *Burnie* to a point near *Chapple's Road*, in the district of *Flowerdale*, and for which railway a contract survey is authorised by "The Railway Survey Act, 1908."

Limit of expend-
iture and defray-
ment of cost.

3 The expenditure for and in relation to such land shall not exceed the sum of Five thousand Pounds, and the whole of the moneys to be expended under and for the purposes of this Act shall be charged on and paid out of the unexpended balance of a sum of Two hundred thousand Pounds, borrowed under the authority of Act 56 *Victoriæ*, No. 56, for the construction of a railway from *Ulberstone* to *Burnie*; and it shall be lawful for the Treasurer of *Tasmania* to appropriate the said unexpended balance accordingly to the extent of Five thousand Pounds.

Provisions of
49 Vict. No. 41
incorporated.

4 Subject to the provisions of this Act, all the provisions contained in Sections Six to Nine, both inclusive, and Sections Thirteen, Twenty eight, Twenty-nine, and Thirty of "The Railway Construction Act, 1885," are hereby incorporated with this Act, and where in any of the said incorporated sections the said Act is referred to, it shall be deemed to mean this Act.

No compensation
payable in respect
of land taken
where right to
make road
reserved to
Crown.

5 No compensation shall be payable in respect of any land taken for the railway, the right to make a road over which is otherwise reserved to the Crown and has not lapsed or become barred.

On acquisition of
land no compen-
sation payable if
otherwise pro-
vided in grant or
enabling Act.

6—(1.) When any land is taken under the authority of this Act, and such land might have been taken or resumed by His Majesty or the Governor, or any Minister, for the same purpose under—

i. The conditions of any Crown grant, lease, or other instrument: or

ii. The provisions of any other Act—

no compensation shall be payable under this Act which would not have been payable if the land had been taken or resumed under the conditions of the grant, lease, or other instrument, or the provisions of such other Act, and notwithstanding that any special provisions as to the taking or resumption may not have been complied with.

(2.) If the land taken under this Act exceeds the quantity which might have been taken or resumed under the grant, lease, or other instrument, or such other Act, compensation shall be payable under this Act only in respect of the excess.

(3.) The compensation in respect of such excess shall be the sum which bears the same proportion to the amount of compensation that would otherwise be payable in respect of the whole area taken as such excess bears to the whole area taken. The compensation that would otherwise be payable in respect of such whole area shall be ascertained as provided by this Act.

Burnie-Flowerdale Railway Land Acquisition.

7—(1.) In determining the compensation under this Act, regard shall be had (subject to this Act) to the following matters:—

- i. The value of the land acquired :
- ii. The damage, if any, caused by the severance of the land acquired from other land of the person entitled to compensation : and
- iii. The enhancement or depreciation in value of other land adjoining the land taken or severed therefrom of the person entitled to compensation by reason of the construction of the railway.

A.D. 1909.
 Compensation,
 how estimated.

(2.) The enhancement or depreciation in value shall be set off against or added to the amount of the value and damage specified in paragraphs i. and ii. of Subsection (1.) of this section.

8—(1.) The value of any land acquired shall be assessed according to the value of the land on the Seventeenth day of *November*, One thousand nine hundred and nine.

Value of land,
 how estimated.

Provided that with respect to land alienated, or contracted to be alienated in fee simple, from the Crown after the Seventeenth day of *November*, One thousand nine hundred and nine, the value of the land shall be deemed to be the same rate per acre as was paid, or contracted to be paid, when the same was alienated, or contracted to be alienated, from the Crown, with an addition of Ten Pounds per centum thereon, together with the value of the buildings and improvements, if any, on the land acquired.

(2.) The value of the land shall be assessed without reference to any increase in value arising from the proposal to construct the railway.

No assessment roll shall be evidence as to value.

(3.) The compensation in respect of any land under contract of sale from the Crown shall be deducted from the purchase-money on the completion of the purchase thereof.

