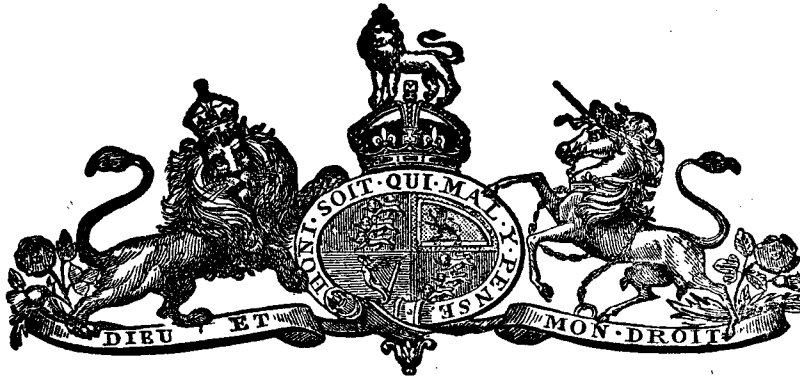


TASMANIA



1913.

ANNO QUARTO

GEORGII V. REGIS.

No. 51.

ANALYSIS.

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AN ACT to authorise the Governor to purchase the Line of Tramway known as the Marrawah Tramway, and for other purposes.

[24 December, 1913.]

A.D.
1913.

WHEREAS it is deemed expedient that the Governor should be authorised, for and on behalf of the State of Tasmania, to purchase the Marrawah Tramway :

PREAMBLE.

Be it therefore 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 :—

Marrawah Tramway Purchase.

A.D. 1913.

Short title.

Interpretation.

1 This Act may be cited as "The Marrawah Tramway Purchase Act, 1913."

2 In this Act, unless the context otherwise requires—

"The Governor" means the Governor by and with the advice of the Executive Council :

"The Company" means The Marrawah Tramway Company Limited, a Company registered under "The Companies Act, 1869," and any person or persons claiming by, through, or under the Company :

"The tramway" means—

i. The tramway, Twenty-five miles or thereabouts in length (inclusive of the tramway known as Lee's tram), commencing at a point on the tramway from Smithton to Pelican Point, distant One mile or thereabouts, north-westerly from Duck River, and extending to the present terminus of the tramway in the Parish of Marrawah at Comeback Road, including the permanent way thereof, together with all works, buildings, stations, sidings, erections, and things erected or built on or connected with the said tramways ; and

ii. All land upon which the same are respectively constructed, erected, or built ; all lands used in connection therewith ; and all lands vested in or belonging to the Company, or which in the opinion of the Engineer-in-Chief are necessary or should be acquired for the purposes of the tramway or undertaking ; and all interests of the Company in any leasehold lands in Tasmania, except in an area of Five thousand acres now leased by the Crown to the Company pursuant to "The Marrawah Tramway Act, 1906" ; and

iii. All plant, locomotives, tenders, carriages, trucks, rolling stock, steam engines, machinery, or any parts of the same : all furniture, books, tools, implements, equipment, and appliances of every kind whatsoever ; and all stores and tramway material in Tasmania :

"The undertaking" means and includes the tramway and all the rights, powers, privileges, authorities, advantages, and concessions whatsoever (except the aforesaid interests of the Company in the said area of Five thousand acres), which are conferred upon the Company by any Act, or otherwise, or which are vested in, held, enjoyed, or possessed by the Company or any person claiming by, through, or under the Company in connection with, or appurtenant to, the tramway.

Marrawah Tramway Purchase.

3 It shall be lawful for the Governor, if he shall see fit, for and on behalf of the State of Tasmania, to purchase the undertaking from the Company for the sum of Twenty-one thousand five hundred Pounds.

A.D. 1913.

Governor may purchase tramway.

4 The Company shall, until such purchase be completed, maintain the Company's undertaking in as good an order and condition as the same was in at the time of the passing of this Act

Company to maintain undertaking.

5 The Company shall allow all reasonable facilities and render all reasonable assistance to such person as may be appointed by the Governor to take a complete inventory and examine the state of the undertaking, provided that neither such inventory nor such examination shall in any way prejudice the Company in respect of the purchase of the undertaking under the provisions of this Act.

Company to facilitate taking of inventory.

6 If the Governor purchases the undertaking no sum of money shall be payable or paid by the Governor to any officer or servant of the Company, by way of compensation for any loss of office or employment suffered by such officer or servant by reason of the purchase.

No compensation to officers of Company.

7—(1) The payment for the purchase of the undertaking shall be made out of moneys to be provided by Parliament for the purpose.

Defrayment of cost of purchase.

(2) No portion of the purchase moneys shall be paid to the Company until the Crown Solicitor has certified in writing that the Company has entered into a binding agreement with the Governor, containing such clauses and undertakings as are in the opinion of the Crown Solicitor, necessary or advisable for ensuring the full and complete transfer from the Company to the Governor of the undertaking.

8 If the Governor purchases the undertaking—

"Railway Management Act, 1891," not to apply.

i. The tramway shall not be deemed to be a railway within the meaning of "The Railway Management Act, 1891," the provisions of which Act shall not apply thereto: and

ii. It shall be lawful for the Minister of Lands and Works from time to time with the consent of the Governor—

Minister of Lands may lease or work the tramway.

(a) To enter into an agreement with any person to lease the undertaking or any part thereof to and for the management, working, maintenance, and control thereof by that person, for such period upon such terms and conditions and stipulations as the Governor may approve:

(b) To make such provision for the working under his control of the undertaking or any part thereof as the Governor may approve.

Provided that in any case the management, working, and control shall be subject to such regulations in that behalf as the Governor may think fit to make.

Marrawah Tramway Purchase.

A.D. 1913.

Governor not
liable.

Regulations.

9 Nothing contained in this Act shall render the Governor personally liable for anything done or omitted to be done by him under this Act.

10 The Governor may make all regulations, not inconsistent with this Act, prescribing all matters and things which by this Act are required or permitted to be prescribed, or which he deems necessary or convenient to be prescribed, for giving effect to or carrying out this Act.