



ANNO VICESIMO SEXTO

GEORGII V REGIS.

A.D. 1935.

No. 2242.

An Act to approve an Agreement made between His Majesty's Government of the Commonwealth and His Majesty's Government of the State for the construction of certain railways and to provide for the performance of the Agreement by the State, and for other purposes.

[Assented to, 19th December, 1935.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :—

1. This Act may be cited as the “Redhill to Port Augusta Railway Agreement Act, 1935 ”.

Short title.

2. (1) This Act shall commence on a day to be fixed by proclamation.

Commence-
ment of Act.

(2) A proclamation under this section shall not be made until the Governor is satisfied that the Parliament of the Commonwealth has passed all such legislation as is necessary to be passed by such Parliament in order to give full effect and operation to the provisions of the Agreement contained in the First Schedule hereto.

3. (1) The Agreement contained in the First Schedule hereto (in this Act called the “amending Agreement”) is approved.

Approval of
Agreement
and perfor-
mance thereof
by the State.

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(2) The Government of the State may do or cause to be done all such acts, matters, and things as are necessary to carry the amending Agreement into operation.

State consents to construction of railway by Commonwealth.

4. The State hereby consents to the construction and carrying out by the Commonwealth of the railway and railway works which the Commonwealth undertakes by the amending Agreement to construct and carry out: Provided that if the construction of the said railway is not commenced by the Commonwealth within six months after the commencement of this Act the consent given by this section shall be null and void.

Power of the Commonwealth with respect to Port Augusta to Port Pirie Railway.

5. For the purpose of constructing the railway and carrying out the railway works agreed by the Commonwealth to be constructed and carried out and for the purpose of working and maintaining the said railway the Commonwealth and the Commonwealth Railways Commissioner shall have within the State all the rights, powers, and authorities which the State or the South Australian Railways Commissioner would have in respect of the purposes aforesaid under the Acts mentioned in the Second Schedule to this Act if those Acts applied in respect of such purposes.

Redhill to Port Pirie Railway.

Authority to construct Redhill to Port Pirie Railway.

6. (1) The South Australian Railways Commissioner (hereinafter called "the Commissioner") may—

- I. construct a railway (hereinafter called "the said railway") from the terminus at Redhill of the railway authorised by the North-western Railways System Development Act, 1917, to Port Pirie, as the said railway is delineated in the plan deposited in the office of the Surveyor-General in Adelaide signed "R. H. Chapman, Chief Engineer for Railways" and dated the 2nd day of December, 1935, or as the said railway is delineated in any plans so deposited after the passing of this Act pursuant to any law for the time being in force as to the deposit of such plans:
- II. construct all proper works and conveniences connected with, or for the purposes of, the said railway or any part thereof, or of the said railway and any other railway or railways:
- III. construct at Solomontown all proper works and conveniences required for the purpose of transferring passengers, freight, livestock and mails from the said railway to the railway from Port Augusta to Port Pirie to be constructed by the Commonwealth, and *vice versa*; and

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iv. maintain the said railway and all works and conveniences hereinbefore mentioned.

(2) In case the Houses of Parliament are not sitting at the time when any plans and books of reference as to the railway to be constructed under the authority of this Act are deposited in the office of the Surveyor-General under Section 9 of the Railways Clauses Act, 1876, the Commissioner may make deviations under the said section before causing copies of such plans and books of reference to be laid before Parliament, but such copies shall be laid before both Houses of Parliament within fourteen days after the next sittings of such Houses respectively.

No. 32 of
1876.

(3) The Acts mentioned in the Second Schedule to this Act shall apply in respect of the construction of the railway and the carrying out of the works which the State undertakes by the said Agreement to construct and carry out.

7. (1) The Commissioner—

How work
to be carried
out.

(a) shall call for tenders for the construction of the said railway and railway works mentioned in section 6 to be sent in within such time, to such place, and to be upon and subject to such terms, conditions, and provisions as he deems advisable, and may accept or reject any tender; or

(b) if no tender is accepted under paragraph (a) hereof, may himself construct the said railway, and, if he thinks proper, may for such purpose contract by petty contracts or on piecework rates for the construction of any part or parts thereof.

(2) Notwithstanding anything in this Act, the Commissioner may construct the said railway and railway works in sections, as he may find convenient, instead of as one work, and in that case subsection (1) hereof shall apply in respect of each such section.

Railway may
be constructed
in sections.

8. The gauge of the said railway shall be five feet three inches, and the rails to be used in the construction thereof shall be of steel, and of the weight of not less than eighty pounds to the yard.

Gauge and
rails.

9. The Commissioner may demand for the use of the said railway, and in respect thereof, and for the carriage of goods, stock, minerals, mails, parcels, and passengers thereon, and for the loading and unloading of goods, minerals, mails, and stock, such fares, tolls, charges, and rates as are from time to time fixed by the Commissioner, in manner prescribed by any Act or Acts under which the Commissioner may fix fares, tolls, charges, and rates in respect of the railways under his control.

Fares tolls
and charges.

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Appropriation
of fares.

10. All fares, tolls, rents, dues, charges, rates, and sums of money which are received under the authority of this Act shall be paid, in such manner as is prescribed by the Governor, to the Treasurer of the said State for the public purposes of the said State.

Public Works
Standing
Committee Act
not to apply.

11. The construction of the said railway shall not be deemed to be a public work within the meaning of the Public Works Standing Committee Act, 1927.

Payments by
Common-
wealth under
Agreement
to be credited
to Railways'
revenue.

12. All sums paid to the State by the Commonwealth pursuant to the amending Agreement shall be paid into the General Revenue of the State to the credit of the Working Account of the South Australian Railways.

*How Cost of Construction of Redhill to Port Pirie Railway
to be Defrayed.*

Power to
borrow for cost
of construc-
tion of railway.

13. For the purpose of defraying the cost of the said railway, the Treasurer may raise money to the amount of three hundred and twenty-four thousand pounds, or such greater amount as may be required to defray the cost of the said railway, by the issue and sale of inscribed stock or other securities.

Rate of interest
and when
redeemable.

14. The inscribed stock or other securities issued under this Act shall bear interest at such rate as the Treasurer thinks fit on the respective amounts thereof; and the principal and interest of any such stock or other security shall be payable to the holder thereof at such place and at such times as are specified or provided in such stock or other security: Provided that the time for the repayment of the principal of any such stock or other security shall not be later than fifty years from the date of issue thereof.

Application
of moneys.

15. All sums of money raised under section 13 of this Act shall be applied by the Treasurer in such amounts and manner as the Governor by warrant under his hand, countersigned by the Chief Secretary, may from time to time authorise and direct.

Salaries to be
submitted to
Parliament.

16. All salaries of officers, payable out of moneys raised under this Act, shall be annually submitted to Parliament.

Advances.

17. The Governor may, by warrant countersigned by the Chief Secretary, authorise the Treasurer to advance to the proper responsible Minister of the Crown, for the purposes of this Act, any sums of money not exceeding in the whole the sums hereby authorised to be raised; and an amount equal to the sums of money so advanced shall be retained by the Treasurer out of any moneys raised by him under the authority of this Act, and applied in repayment of the moneys so advanced.

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18. In addition to the money authorised by section 13 of this Act to be raised, the Treasurer may raise under that section such sum as will be sufficient to pay all discounts, charges, and other expenses incurred in connection with the issue and sale of inscribed stock or other securities under this Act, and the amount of such discounts, charges, and other expenses shall be charged to the expenses of the said railway, and shall be deemed part of the cost thereof.

Power to
raise money
for expenses
incurred.

In the name and on behalf of His Majesty, I hereby
assent to this Bill.

W. DUGAN, Governor.

*Redhill to Port Augusta Railway Agreement Act.—1935.***SCHEDULES.****THE FIRST SCHEDULE TO THIS ACT.**

AN AGREEMENT made this twenty-ninth day of November, one thousand nine hundred and thirty-five between the Commonwealth of Australia (hereinafter called "the Commonwealth") of the one part and the State of South Australia (hereinafter called "the State") of the other part Whereas an Agreement was made between the Commonwealth and the State on the eighteenth day of September one thousand nine hundred and twenty-five (hereinafter called "the principal Agreement") whereby it was agreed *inter alia* that the Commonwealth would at its own expense construct a railway on a 4ft. 8½in. gauge from Port Augusta to Redhill and that the State would at the expense of the Commonwealth lay a third rail on the existing State railway between Redhill and Adelaide so that there would at the time of the completion of the railway from Port Augusta to Redhill (hereinafter called "the said railway") be a continuous railway on a 4ft. 8½in. gauge from Port Augusta to the Central Railway Station in Adelaide and that the Commonwealth would at the expense of the State during the construction of the said railway lay from a point near Port Pirie to Redhill a third rail on the said railway so that there would be a continuous railway on a 5ft. 3in. gauge from Adelaide to the said point near Port Pirie And whereas upon further consideration the Commonwealth and the State are satisfied that it is desirable that in lieu of the scheme of railway construction provided for in clauses 5, 6, and 7 of the principal Agreement the scheme of railway construction hereinafter provided for should be carried out Now therefore it is hereby agreed between the parties hereto as follows:—

1. (1) The Commonwealth undertakes that it will immediately introduce into and take all reasonable steps to have enacted by the Parliament of the Commonwealth legislation authorising this Agreement to be performed by the Commonwealth.

(2) The State undertakes that it will immediately introduce into and take all reasonable steps to have enacted by the Parliament of the State legislation authorising this Agreement to be performed by the State.

2. (1) Except as hereinbefore provided this Agreement shall not have any force or effect or be binding on either party unless and until—

(a) it is approved by the Parliament of the Commonwealth and the Parliament of the State; and

(b) the State has given the consent required under the Commonwealth of Australia Constitution Act for the construction in the State of the railway which under this Agreement is to be constructed by the Commonwealth.

(2) When granting its approval and consent the State shall by legislation authorise the Commonwealth and the Commonwealth Railways Commissioner to exercise for the purpose of the construction and working of the railway hereinafter defined as "the Commonwealth railway" at least all the powers and privileges held or exercisable by the State and/or the South Australian Railways Commissioner in or under the Statutes relating to Railways in force in the State to the same extent as if that railway were to be constructed and worked by the State or the South Australian Railways Commissioner.

3. (1) The Commonwealth will at its own expense construct a railway on a 4ft. 8½in. gauge from Port Augusta to Solomontown, a suburb of Port Pirie, which railway (hereinafter referred to as "the Commonwealth railway") shall be operated and maintained by the Commonwealth Railways Commissioner as an integral part of the Commonwealth Railways.

(2) The route of the Commonwealth railway shall be as set out in the First Schedule to this Agreement.

4. (1) The State will at its own expense during the construction of the Commonwealth railway construct a railway on a 5ft. 3in. gauge from Redhill to Port Pirie (hereinafter referred to as "the State railway") to meet the Commonwealth railway at Solomontown aforesaid, which State railway shall be operated and maintained by the South Australian Railways Commissioner as an integral part of the South Australian Railways.

(2) The route of the State railway shall be as set out in the Second Schedule to this Agreement.

5. (1) The Commonwealth will commence to construct the Commonwealth railway within six months after the approval and consent mentioned in clause 2 hereof are given.

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(2) The State will complete the State railway by the time of completion of the Commonwealth railway or by the thirtieth day of June one thousand nine hundred and thirty-seven, whichever date is the later.

6. The Commonwealth will pay to the State as a contribution towards reimbursing the State—

(a) for the cost of the State railway;

(b) for the State's loss of railway revenue (if any) on other railways of the State due to the construction of the railways agreed by clauses 3 and 4 of this Agreement to be constructed; and

(c) for the additional expense or loss (if any) to which the State is put in carrying out this Agreement,

the sum of twenty thousand pounds (£20,000) per annum for twenty years, such sum to be paid by equal half-yearly payments, the first of such payments to be made within one month after the first day upon which the Commonwealth railway and the State railway are open for public traffic.

7. (1) The payments agreed to be made by the Commonwealth to the State under the last preceding clause shall not prejudice the submission from time to time by the State to the Commonwealth Grants Commission of any claim which the State considers that it has against the Commonwealth to the payment of any additional sum in respect of the matters specified in paragraphs (a) to (c) of the last preceding clause and that Commission shall take any such claim into consideration in connection with any application or matter relating to the State which is dealt with by the Commission in pursuance of section nine of the Commonwealth Grants Commission Act 1933.

(2) In the event of the powers at present possessed by the Commonwealth Grants Commission or powers substantially corresponding thereto being conferred upon any other body, references in the last preceding subclause to the Commonwealth Grants Commission and to the provisions of the Commonwealth Grants Commission Act 1933 shall be read respectively as references to that other body and to the corresponding provisions of the Act conferring powers on that body.

8. The Commonwealth and the State agree that their respective Railways Commissioners will co-operate—

(a) to provide adequate services at reasonable times for the purpose of shortening as much as possible the period of transit of passengers by rail between Kalgoorlie and Serviceton; and

(b) to ensure that passengers *en route* to either of these places and travelling or booked to travel in sleeping carriages (and, as far as practicable, passengers travelling or booked to travel otherwise than in sleeping carriages) on the express train running between Adelaide and Melbourne shall not be obliged to change carriages elsewhere than at Port Pirie.

9. (1) The Commonwealth will construct at Port Pirie, at its own expense, such buildings and other facilities as are required exclusively for the Commonwealth railway, and the State will construct at Port Pirie at its own expense such facilities as are required exclusively for the State railway.

(2) The State will construct at Port Pirie such buildings and other facilities for the joint use of the Commonwealth railway and the State railway as are agreed upon by the Commonwealth Railways Commissioner and the South Australian Railways Commissioner and such buildings and other facilities are in this Agreement referred to as "the transfer yards."

(3) The site of the transfer yards shall be fixed by agreement between the Commonwealth Railways Commissioner and the South Australian Railways Commissioner.

(4) The cost of construction of the transfer yards, in so far as they consist of the passenger transfer platform and buildings thereon, shall be shared between the Commonwealth and the State in equal proportions:

Provided that, if at any time the State Railways Commissioner uses the passenger transfer platform and buildings thereon for local traffic as well as for through traffic, the cost of construction of the transfer yards, in so far as they consist of the passenger transfer platform and buildings thereon, shall, to the extent of the interest on such cost, be shared (as from the commencement of such use) by the Commonwealth and the State in the proportions of forty and sixty per centum respectively.

(5) The cost of construction of the other portions of the transfer yards and the cost of maintenance and operation of the transfer yards shall be shared between the Commonwealth and the State in such proportions as shall be agreed upon between the Commonwealth Railways Commissioner and the South Australian Railways Commissioner.

(6) The South Australian Railways Commissioner shall have the general control and superintendence of the transfer yards.

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10. Of the unskilled labour required for the construction of the Commonwealth railway and the State railway not less than eighty per centum shall be engaged from among persons (capable of performing efficiently the duties required) who have at the time of engagement been resident in South Australia for a period of not less than six months.

11. The State will grant to the Commonwealth free of charge—

(a) any Crown lands and any leased lands of the Crown in respect of which the Commonwealth shall have acquired the rights of the lessees; and

(b) any stone, soil, gravel and timber upon any Crown lands or leased lands of the Crown from which the State has a right to take the same,

certified by the Commonwealth Railways Commissioner to be required by the Commonwealth in connection with the construction, maintenance, or working of the Commonwealth railway.

12. The provisions of clauses 5 to 15 (inclusive) and 20 to 23 (inclusive) of the principal Agreement are hereby rescinded.

In witness whereof the Commonwealth of Australia and the State of South Australia have executed these presents.

Signed by the Prime Minister of the Commonwealth of Australia for and on behalf of the said Commonwealth in the presence of— J. A. LYONS.

T. PATERSON.

Signed by the Premier of the State of South Australia for and on behalf of the said State in the presence of— R. L. BUTLER.

H. S. HUDD.

THE FIRST SCHEDULE.

The route begins at the Port Augusta Railway Station and follows the existing Port Augusta to Quorn railway (3ft. 6in. gauge) bearing south-east for about one mile, thence due east as far as 4 miles 8 chains (near Stirling railway station).

At 4 miles 8 chains the route leaves the existing railway and runs in a generally south-easterly direction to 29 miles, thence due south to 38 miles, thence south-east to 48 miles, passing east of Port Germein at 42 miles, thence east of south to about 52½ miles, thence south-west to 54½ miles, whence it curves to the west and follows alongside the Gladstone to Port Pirie railway to Solomontown, a suburb of Port Pirie.

THE SECOND SCHEDULE.

The route begins at Redhill at approximately 106 miles 52 chains from Adelaide and runs in a generally north-westerly direction to a point just south of the Gladstone to Port Pirie railway, a distance of approximately 27 miles, and then turns to the west and follows the Gladstone to Port Pirie railway to Port Pirie.

THE SECOND SCHEDULE TO THIS ACT.

Act No. 1724 of 1925.—Compulsory Acquisition of Land Act, 1925.

Ordinance No. 7 of 1847.—The Railways Clauses Consolidation Act.

Act No. 6 of 1858, being an Act to amend the Railways Clauses Consolidation Act.

Act No. 32 of 1876.—The Railways Clauses Act, 1876.

Act No. 1392 of 1919.—Railways Clauses Act Amendment Act, 1919.

Act No. 414 of 1887.—The South Australian Railways Commissioners Act, 1887.

Act No. 512 of 1891.—The South Australian Railways Commissioners Act Amendment Act, 1891.

Act No. 612 of 1894.—The South Australian Railways Commissioners Act Amendment Act, 1894.

Act No. 912 of 1906.—The South Australian Railways Commissioners Further Amendment Act, 1906.

Act No. 988 of 1909.—The South Australian Railways Commissioners Act Amendment Act, 1909.

Act No. 1144 of 1913.—The South Australian Railways Commissioners Act Amendment Act, 1913.

Act No. 1332 of 1918.—South Australian Railways Commissioners Act Further Amendment Act, 1918.

Act No. 1486 of 1921.—South Australian Railways Commissioners Act Further Amendment Act, 1921.