

BRACHINA TO LEIGH CREEK NORTH COALFIELD RAILWAY.

No. 75 of 1950.

An Act to authorize the Execution by or on behalf of the Commonwealth of an Agreement between the Commonwealth and the State of South Australia, relating to the Construction of a Railway from Brachina to Leigh Creek North Coalfield in the State of South Australia, to provide for the Construction of that Railway, and for purposes connected therewith.

[Assented to 15th December, 1950.]

[Date of commencement, 12th January, 1951.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows :—

1. This Act may be cited as the *Brachina to Leigh Creek North Coalfield Railway Act* 1950. Short title.

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- Definitions.** 2. In this Act, unless the contrary intention appears—
“the Agreement” means the Agreement the execution of which is authorized by this Act;
“the Commissioner” means the Commonwealth Railways Commissioner holding office under the *Commonwealth Railways Act 1917-1950*;
“the Railway” means the railway the construction of which is authorized by this Act;
“the State” means the State of South Australia.
- Execution of agreement authorized.** 3. The execution by or on behalf of the Commonwealth of an agreement between the Commonwealth and the State substantially in accordance with the form contained in the Schedule to this Act is authorized.
- Consent of State.** 4. The succeeding sections of this Act do not have effect unless and until the consent of the State to the construction of the Railway has been given as required by the Constitution.
- Power to construct the Railway.** 5. The Commissioner shall, subject to this Act and to the *Commonwealth Railways Act 1917-1950*, construct the railway from Brachina to Leigh Creek North Coalfield in the State of South Australia referred to in the Agreement.
- Cost of the Railway.** 6. The cost of the Railway, including the cost of rolling-stock for the Railway, shall not exceed Five million four hundred thousand pounds.
- Route of the Railway.** 7. The route of the Railway shall be as described in the Schedule to the Agreement, but the Commissioner may make such deviations, not exceeding five miles on either side of the route, as are, in his opinion, necessary or reasonable for the better construction and working of the Railway.
- Gauge of the Railway.** 8. The gauge of the Railway shall be four feet eight and one-half inches.
- Appointment of officers, &c.** 9. Notwithstanding anything contained in the *Commonwealth Railways Act 1917-1950*, the Commissioner may appoint such persons as he thinks necessary for the purposes of the construction of the Railway or the working of the Railway before it has been declared open for traffic, and may authorize the employment of persons for those purposes, and may pay to persons so appointed or employed such salaries or wages as he thinks fit.
- Acquisition of land for purposes of Railway.** 10. The provisions of section sixty-three of the *Commonwealth Railways Act 1917-1950* shall apply in relation to the acquisition of land for the purposes of the Railway.
- Wages and conditions of employment.** 11.—(1.) In any contract relating to the construction of the Railway, provision shall be made—
(a) for the payment by the contractor of not less than the prescribed minimum rates of wages;

- (b) for the observance of the prescribed conditions of employment ;
and
- (c) for the recovery of penalties for non-payment of the prescribed rates of wages or for non-compliance with the prescribed conditions of employment.

(2.) In this section, the prescribed minimum rates of wages and the prescribed conditions of employment mean the standard rates and conditions prescribed by any industrial authority of the Commonwealth, and, in the absence of any such standard rates and conditions applicable to the case, mean the standard rates paid, and the conditions of employment obtaining, in the locality in which the work is performed.

12. There shall be issued and applied out of the Consolidated Revenue Fund, or out of the proceeds of any loan raised under the authority of an Act, such amounts as are required for the purpose of the payment of the cost of the Railway and the purchase of rolling-stock for the Railway, but not exceeding in all the sum of Five million four hundred thousand pounds.

Issue and application of moneys.

THE SCHEDULE.

Section 8.

AGREEMENT made the _____ day of _____, 1950, BETWEEN the COMMONWEALTH OF AUSTRALIA (hereinafter referred to as "the Commonwealth") of the first part, and the STATE OF SOUTH AUSTRALIA (hereinafter referred to as "the State") of the second part.

WHEREAS coal produced at Leigh Creek Coalfield, South Australia, is required for the regional power station under construction at Port Augusta, South Australia, and for consumption in Adelaide and elsewhere in South Australia :

AND WHEREAS transport of such coal to the said regional power station and to Adelaide and elsewhere is limited by the capacity of the existing 3' 6" gauge railway :

AND WHEREAS, in order to transport the required quantities of such coal with maximum efficiency and economy in railway operation, it is necessary to construct a 4' 3½" gauge railway from Stirling North, near Port Augusta, to Leigh Creek North Coalfield (hereinafter referred to as "the standard gauge railway") :

AND WHEREAS it is desirable to construct, as part of the standard gauge railway, a railway from Brachina, South Australia, to Leigh Creek North Coalfield (hereinafter referred to as "the said railway") :

NOW THIS AGREEMENT WITNESSETH as follows :—

1. This Agreement shall not have any force or effect and shall not be binding on either party unless and until it is approved by the Parliament of the State and the State has given the consent required under the Constitution of the Commonwealth for the construction in the State of the said railway.

2.—(1.) The Commonwealth will at its own expense construct the said railway, which shall be operated and maintained by the Commonwealth Railways Commissioner as an integral part of the Commonwealth Railways.

(2.) The route of the said railway shall be as set out in the schedule of this Agreement, but the Commonwealth Railways Commissioner may make such deviations, not exceeding five miles on either side of the route, as are, in his opinion, necessary or reasonable for the better construction and working of the said railway.

3. The Commonwealth will commence to construct the said railway as soon as practicable after the execution of this Agreement.

4. 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 and gravel upon any Crown lands or leased lands of the Crown from which the State has a right to take the same,

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THE SCHEDULE—*continued.*

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

THE SCHEDULE.

The route begins at Brachina (102 miles 4 chains from Stirling on the existing 3' 6" gauge railway) (hereinafter referred to as "the existing railway") and follows the existing railway bearing north for about 16 miles, thence west of north to 38 miles, thence north-east to 48 miles at a point about one-half mile south of Puttappa railway siding, thence north and near the existing railway to 52 miles at Emu Creek, thence north-west to 53½ miles, thence north east to 56½ miles, thence north and following the existing railway passing through Copley at 58 miles, thence north-west to 60½ miles, thence west of north to 61½ miles, thence north-east to 64 miles, thence west of north and following the existing railway passing through Telford at 64½ miles to Leigh Creek North Coalfield 70½ miles from Brachina.
