

STIRLING NORTH TO BRACHINA RAILWAY.

No. 72 of 1952.

An Act to provide for the Construction of a Railway from Stirling North to Brachina in the State of South Australia, and for other purposes.

[Assented to 1st November, 1952.]

[Date of commencement, 29th November, 1952.]

Preamble.

WHEREAS by the Agreement the execution of which was authorized by the *Railway Standardization (South Australia) Agreement Act 1949* it is provided, among other things, that the Commonwealth shall undertake the conversion to standard gauge of the three feet six inches gauge lines of the Commonwealth Railways from Port Augusta to Alice Springs :

AND WHEREAS, after that Act was enacted, a question arose as to the most suitable route for that part of the proposed standard gauge railway line which will lie between Stirling North and Brachina :

AND WHEREAS the Commonwealth and the State of South Australia agreed that that question should be referred to a Royal Commission appointed by an instrument substantially in accordance with the form contained in the Schedule to the *Port Augusta to Alice Springs Railway (Alteration of Route) Act 1950* and that the recommendation of the Commission should be accepted by the Commonwealth and the State :

AND WHEREAS it is provided by the Northern Railway (Alteration of Route) Act, 1950, of the State of South Australia that that State consents to the construction of the railway between Stirling North and Brachina on such route as may be recommended by the Commission :

AND WHEREAS the Commission has recommended that the route of the railway should be the route described in the Schedule to this Act :

BE it therefore enacted by the Queen'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 *Stirling North to Brachina Railway Act 1952*. Short title.

2. In this Act, unless the contrary intention appears— Definitions.

“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.

3.—(1.) The Commissioner shall, subject to this Act and to the *Commonwealth Railways Act 1917–1950*, construct a railway from Stirling North to Brachina in the State of South Australia on the route described in the Schedule to this Act, being the route recommended by the Royal Commission referred to in the *Port Augusta to Alice Springs Railway (Alteration of Route) Act 1950*. Power to construct the Railway.

(2.) 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.

4. The gauge of the Railway shall be four feet eight and one-half inches. Gauge of the Railway.

Cost of
railway.

5. The cost of the railway the construction of which is authorized by this Act and the cost of the railway the construction of which is authorized by the *Brachina to Leigh Creek North Coalfield Railway Act 1950*, including the cost of rolling-stock for those railways, shall not exceed in all the sum of Eleven million pounds.

Appointment
of officers, &c.

6. Notwithstanding anything contained in the *Commonwealth Railways Act 1917-1950*, the Commissioner may—

- (a) appoint or authorize the employment of 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
- (b) pay to persons so appointed or employed such salaries or wages as he thinks fit.

Acquisition of
land for
purposes of the
Railway.

7. 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.

8.—(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.

Issue and
application of
moneys.

9.—(1.) 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 the construction of which is authorized by this Act and of the railway the construction of which is authorized by the *Brachina to Leigh Creek North Coalfield Railway Act 1950* and the purchase of rolling-stock for those railways, but not exceeding in all the sum of Eleven million pounds.

(2.) All payments made under the authority of the appropriation effected by section twelve of the *Brachina to Leigh Creek North Coalfield Railway Act 1950* shall be deemed to have been made under the authority of the appropriation effected by this section.

10.—(1.) Sections six and twelve of the *Brachina to Leigh Creek North Coalfield Railway Act 1950* are repealed.

Repeal of sections 6 and 12 of *Brachina to Leigh Creek North Coalfield Railway Act.*

(2.) The *Brachina to Leigh Creek North Coalfield Railway Act 1950*, as amended by this section, may be cited as the *Brachina to Leigh Creek North Coalfield Railway Act 1950–1952*.

THE SCHEDULE.

Section 3.

The route begins at Stirling North (52 miles 9 chains from Port Pirie Junction on the Trans-Australian Railway) and runs generally east of north to 30½ miles thence north-east by north being about 1 mile to the east of Yadamalka Head Station at about 34 miles continuing north east by north to 90½ miles at a point about 1½ miles south of Brachina thence north and adjacent to the existing railway terminating at 92 miles, which is the point of commencement of the *Brachina to Leigh Creek North Coalfield Railway*, the construction of which is authorized by the *Brachina to Leigh Creek North Coalfield Railway Act 1950*.
