

No. 74. *Leigh Creek North Coalfield to Marree (Conversion to Standard Gauge) Railway.* 1954.

LEIGH CREEK NORTH COALFIELD TO MARREE (CONVERSION TO STANDARD GAUGE) RAILWAY.

No. 74 of 1954.

An Act to provide for the conversion to Standard Gauge of the Railway from Leigh Creek North Coalfield to Marree in the State of South Australia, and for purposes connected therewith.

[Assented to 12th November, 1954.]

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

- Short title.** 1. This Act may be cited as the *Leigh Creek North Coalfield to Marree (Conversion to Standard Gauge) Railway Act 1954.*
- Commencement.** 2. This Act shall come into operation on the day on which it receives the Royal Assent.
- Definitions.** 3. In this Act, unless the contrary intention appears—
“the Commissioner” means the Commonwealth Railways Commissioner holding office under the *Commonwealth Railways Act 1917-1950* ;
“the conversion of gauge” or “the conversion” means the alteration of the gauge of the railway referred to in section six of this Act, and includes the working of that railway upon the altered gauge before it has been declared open to traffic on the altered gauge.
- Approval of agreement.** 4. The agreement between the Commonwealth and the State of South Australia set forth in the Schedule to this Act is approved.
- Consent of State.** 5. The succeeding sections of this Act do not have effect unless and until the consent of the State of South Australia to the conversion of gauge, in so far as that consent is necessary under the Constitution, has been given as required by the Constitution.
- Conversion of railway to standard gauge.** 6.—(1.) The Commissioner may alter from three feet six inches to four feet eight and one-half inches the gauge of the railway between Leigh Creek North Coalfield and Marree in the State of South Australia.
(2.) For the purposes of the last preceding sub-section, the Commissioner may—
(a) take up, relay or reconstruct the whole or any part of the railway ; and

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- (b) make any alteration to or adjustment of any line of railway, or of any works or conveniences connected with any line of railway, which he deems it necessary or convenient to make by reason of the conversion of gauge.

(3.) In effecting the conversion of gauge, the Commissioner may make such deviations from the route of the existing railway, not exceeding five miles on either side of that route, as he deems it necessary or convenient for the better conversion of the gauge or for the working of the railway upon the altered gauge.

7.—(1.) The *Commonwealth Railways Act 1917–1950* applies in relation to the conversion of gauge as if the conversion were the construction of a railway. Application of Commonwealth Railways Act.

(2.) Section sixty-three of the *Commonwealth Railways Act 1917–1950* applies in relation to the acquisition of land for the purposes of the conversion of gauge.

8. The cost of the conversion of gauge and the cost of the railways the construction of which is authorized by the *Brachina to Leigh Creek North Coalfield Railway Act 1950–1952* and by the *Stirling North to Brachina Railway Act 1952*, including the cost of the rolling stock of those railways, shall not exceed Twelve million two hundred and forty-one thousand pounds. Cost of the conversion.

9. Notwithstanding anything contained in the *Commonwealth Railways Act 1917–1950*, the Commissioner may— Appointment of officers, &c.

- (a) appoint or authorize the employment of such persons as he thinks necessary for the purposes of the conversion of gauge; and
(b) pay to persons so appointed or employed such salaries or wages as he thinks fit.

10.—(1.) In any contract relating to the conversion of gauge, provision shall be made— Wages and conditions of employment.

- (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.

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Issue and application of moneys.

11.—(1.) There shall be issued and paid 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—

- (a) the payment of the cost of the conversion of gauge ;
- (b) the railway the construction of which is authorized by the *Brachina to Leigh Creek North Coalfield Railway Act 1950-1952* ;
- (c) the railway the construction of which is authorized by the *Stirling North to Brachina Railway Act 1952* ; and
- (d) the purchase of rolling stock for those railways,

not exceeding in all the sum of Twelve million two hundred and forty-one thousand 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* or by section nine of the *Stirling North to Brachina Railway Act 1952* shall be deemed to have been made under the authority of the appropriation effected by this section.

Repeal of certain sections of the *Stirling North to Brachina Railway Act.*

12.—(1.) Sections five and nine of the *Stirling North to Brachina Railway Act 1952* are repealed.

(2.) The *Stirling North to Brachina Railway Act 1952*, as amended by this section, may be cited as the *Stirling North to Brachina Railway Act 1952-1954*.

THE SCHEDULE.

Section 4.

AGREEMENT made the twenty-seventh day of October, One thousand nine hundred and fifty-four BETWEEN the COMMONWEALTH OF AUSTRALIA (in this agreement referred to as "the Commonwealth") of the one part and the STATE OF SOUTH AUSTRALIA (in this agreement referred to as "the State") of the other part.

WHEREAS by the agreement dated the 20th day of October, 1949, the execution of which on behalf of the Commonwealth was authorized by the *Railway Standardization (South Australia) Agreement Act 1949* of the Commonwealth and which was approved by the State by the *Railways Standardization Agreement Act, 1949* of the State the Commonwealth and the State agreed upon the carrying out and execution of various works and undertakings directed to the conversion to 4' 8½" gauge (in this agreement referred to as "standard gauge") of the railways in the State of South Australia including the conversion to standard gauge of the 3' 6" gauge lines of the Commonwealth Railways from Port Augusta to Alice Springs :

AND WHEREAS in pursuance of the agreement between the Commonwealth and the State dated the 7th day of July, 1954, the execution of which on behalf of the Commonwealth was authorized by the *Brachina to Leigh Creek North Coalfield Railway Act 1950* of the Commonwealth and on behalf of the State by the *Brachina to Leigh Creek North Coalfield Railway Agreement Act 1950* of the State, the Commonwealth is constructing a standard gauge railway beginning at Brachina and terminating at Leigh Creek North Coalfield which will be operated and maintained by the Commonwealth Railways Commissioner as an integral part of the Commonwealth Railways :

AND WHEREAS the Commonwealth proposes to proceed with and effect the conversion to standard gauge of the existing 3' 6" gauge railway from Leigh Creek North Coalfield to Marree (in this agreement referred to as "the existing railway" and being portion of the said 3' 6" gauge lines of the Commonwealth from Port Augusta to Alice Springs) but with such deviations, not exceeding five miles, on either side of the route of the existing railway as the Commonwealth Railways Commissioner may deem necessary or reasonable for the better conversion to standard gauge of the existing railway or for the working of the railway upon the altered gauge :

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THE SCHEDULE—*continued.*

AND WHEREAS by reason of the said deviations or otherwise it is desirable for the purposes of the Constitution of the Commonwealth that the State should signify its consent to the conversion of the existing railway by the Commonwealth as aforesaid and the State has agreed to signify its consent accordingly :

AND WHEREAS the State has agreed to grant to the Commonwealth the rights conferred by this agreement :

NOW THIS AGREEMENT WITNESSETH as follows :—

1. This agreement shall have no force or effect and shall not be binding upon either party unless and until it is approved by the Parliament of the Commonwealth and the Parliament of the State.

2. The State in so far as its consent thereto is necessary under the Constitution of the Commonwealth hereby consents to the conversion of the existing railway by the Commonwealth in the manner aforesaid.

3. 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,

certified by the Commonwealth Railways Commissioner to be required by the Commonwealth in connexion with the conversion of the existing railway as aforesaid or the maintenance or working of the railway upon the altered gauge.

IN WITNESS whereof the Commonwealth of Australia and the State of South Australia have executed these presents the day and year first above written.

SIGNED by the Prime Minister of the Commonwealth
of Australia for and on behalf of the said Commonwealth in the presence of— } ROBERT G. MENZIES
G. J. Yeend

SIGNED by the Premier of the State of South
Australia for and on behalf of the said State in the presence of— } T. PLAYFORD
L. King