

Port Augusta to Whyalla Railway

No. 23 of 1970

An Act to provide for the construction of a Railway from Port Augusta to Whyalla in the State of South Australia, and for purposes connected therewith.

[Assented to 17 June 1970]

BE it 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 *Port Augusta to Whyalla Railway Act* 1970. Short title.
2. Subject to the next succeeding section, this Act shall come into operation on the day on which it receives the Royal Assent. Commencement.
3. Sections 6, 7, 8 and 9 of this Act do not have effect unless the consent of the State of South Australia to the construction of the Railway has been given by the Parliament of that State. Consent of State.

- Definitions.** 4. In this Act, unless the contrary intention appears—
- “ the Agreement ” means the agreement referred to in the next succeeding section;
- “ the Commissioner ” has the same meaning as in the Commonwealth Railways Act;
- “ the Commonwealth Railways Act ” means the *Commonwealth Railways Act* 1917–1968;
- “ the Railway ” means the railway to which the Agreement relates.
- Approval of Agreement.** 5. The agreement a copy of which is set out in the Schedule to this Act is approved.
- Construction of Railway.** 6. The Commissioner shall, subject to this Act and to the Commonwealth Railways Act, construct the Railway in accordance with the Agreement.
- Cost of Railway.** 7. The cost of the Railway (not including the cost of rolling stock for the Railway) shall not exceed Seven million dollars.
- Appointment of officers, &c.** 8. Notwithstanding anything contained in the Commonwealth Railways Act, the Commissioner may appoint or employ 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 pay to persons so appointed or employed such salaries or wages as he thinks fit.
- Acquisition of land for purposes of Railway.** 9. The provisions of section 63 of the Commonwealth Railways Act apply in relation to the acquisition of land for the purposes of the Railway.

THE SCHEDULE

Section 5.

AGREEMENT made the twenty-sixth day of February One thousand nine hundred and seventy between THE COMMONWEALTH OF AUSTRALIA (in this agreement called ‘ the Commonwealth ’) of the one part and THE STATE OF SOUTH AUSTRALIA (in this agreement called ‘ the State ’) of the other part.

WHEREAS it is desirable that a 4 feet 8½ inch gauge railway be constructed between Port Augusta and Whyalla, both in South Australia:

AND WHEREAS the State has requested the Commonwealth to undertake the construction and operation of that railway:

NOW IT IS HEREBY AGREED as follows:

1. This agreement shall have no force or effect and shall not be binding upon either party until it has been approved by the Parliament of the Commonwealth and the Parliament of the State and the consent of the State for the construction of the railway has been given by the Parliament of the State.

2. The Commonwealth will at its own expense construct in South Australia a 4 feet 8½ inch gauge railway between Port Augusta and Whyalla (in this agreement called ‘ the railway ’) which shall be maintained and operated by the Commonwealth Railways Commissioner as part of the Commonwealth Railways.

THE SCHEDULE—*continued*

3. The route of the railway will be as set out in the first schedule to this agreement but the Commonwealth may with the consent of the Minister of Roads and Transport of the State make such deviations, not exceeding one and a half miles on either side of that route, as may be necessary or desirable for the better construction and operation of the railway.

4.—(1.) The Commonwealth will at its own expense erect along every boundary of the land over which the route of the railway lies a substantial fire resistant fence capable of preventing cattle, horses and sheep from entering within the said boundaries of the said land but shall not be liable to maintain or reconstruct any such fence.

(2.) (a) The Commonwealth will at its own expense provide and construct all necessary works, traffic control devices and other things to carry the railway under, over or across any road across which any part of the route of the railway passes.

(b) Such works and traffic control devices shall be constructed in accordance with the requirements of and to standards approved by the Minister of Roads and Transport of the State.

(c) In the event of the Minister of Roads and Transport of the State making any requirements which the Commonwealth considers unreasonable or not approving the standards of any such works, traffic control devices or other things, the matter may be submitted to two arbitrators one to be appointed by each party for arbitration in accordance with the provisions of the Arbitration Act, 1894–1934 of the State.

(3.) The Commonwealth will at its own expense maintain and keep in repair all works (being structures) and traffic control devices constructed or erected under the provisions of sub-clause (2.) of this clause to the same requirements and standards as were made and approved under the provisions of sub-clause (2.) of this clause.

5.—(1.) 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 in or on any Crown lands or any 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 for or in connexion with construction, maintenance or operation of the railway.

(2.) For the purposes of this clause 'Crown lands' has the same meaning as in the Crown Lands Act, 1929–1969 of the State.

6. The State will ensure that adequate land is reserved for a possible future extension of the railway along the route set out in the second schedule to this agreement.

THE FIRST SCHEDULE

The route of the railway begins at a point on the existing Port Augusta to Kalgoorlie railway 70 chains from the Port Augusta railway station. Thence it proceeds parallel to and adjacent to that railway for 1 mile 15 chains. Thence it proceeds except for curves at changes of direction along lines bearing 333 degrees 3 minutes for 59 chains 286 degrees 39 minutes for 56 chains crossing Spencer Gulf at the northern end of Flinders Red Cliff 228 degrees 9 minutes for 6 miles 72 chains crossing the Stuart Highway 222 degrees 6 minutes for 1 mile 63 chains 188 degrees 18 minutes for 52 chains 211 degrees 36 minutes for 1 mile 11 chains 188 degrees 15 minutes for 1 mile 19 chains crossing the Port Augusta to Whyalla Road and thence on the eastern side of and adjacent to that Road to a terminal station yard at Whyalla between that Road and the Broken Hill Proprietary Company Limited steel works along lines bearing 229 degrees 16 minutes for 6 miles 34 chains 201 degrees 34 minutes for 4 miles 7 chains 189 degrees 25 minutes for 1 mile 79 chains 144 degrees 15 minutes for 76 chains 163 degrees 48 minutes for 3 miles 50 chains 168 degrees 47 minutes for 13 miles 72 chains and 198 degrees 15 minutes for 1 mile 52 chains. The overall route mileage is 46 miles 62 chains.

THE SECOND SCHEDULE

The route along which land is to be reserved for a possible future extension of the railway crosses the Port Augusta to Whyalla Road at a point approximately 85 chains north along that Road from its intersection with Steelworks Road and proceeds thence south-westerly

THE SCHEDULE—continued

across Section 26 Hundred of Cultana County of York and across the Iron Knob Tramway at a point approximately 76 chains north-west along that Tramway from its intersection with Steelworks Road and thence north-westerly for approximately 270 chains parallel to and not further than 180 feet from the centre line of that Tramway.

In witness whereof this agreement has been executed as at the day and year first above written.

SIGNED on behalf of THE COMMONWEALTH OF AUSTRALIA by the Right Honourable JOHN GREY GORTON, the Prime Minister of the Commonwealth, in the presence of—

C. L. HEWITT

J. G. GORTON

SIGNED on behalf of THE STATE OF SOUTH AUSTRALIA by the Honourable RAYMOND STEELE HALL the Premier of the State, in the presence of—

J. S. WHITE

STEELE HALL