

Transfers of  
moneys to  
trustees.

6. Section eighteen of the Principal Act is amended—

- (a) by inserting in sub-section (2.), after the word “war”, the words “and before the prescribed date”; and  
 (b) by omitting from sub-section (3.) the words “Any assets” and inserting in their stead the words “Subject to the next succeeding section, any assets”.

7. After section eighteen of the Principal Act the following section is inserted :—

Profits of  
B.C.O.F.  
canteens.

“18A. Nothing in this Act shall be deemed to limit or prohibit distribution of profits derived or accrued from the operation of canteens conducted by the Australian Army Canteens Service in Japan for and on behalf of, or in connexion with, the British Commonwealth Occupation Force, and those profits may be distributed to such persons and in such manner as is directed by the Military Board, subject to the approval of the appropriate Service Minister of the general bases of distribution.”.

## PORT AUGUSTA TO ALICE SPRINGS RAILWAY (ALTERATION OF ROUTE).

No. 68 of 1950.

An Act relating to the Route of that part of the Port Augusta to Alice Springs Railway which lies between Stirling North and Brachina.

[Assented to 14th December, 1950.]

[Date of commencement, January 11th, 1951.]

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, since that Act was enacted, a question has arisen 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 have agreed that that question shall be referred to a Royal Commission appointed by an instrument substantially in accordance with the form contained in the Schedule to this Act and that the recommendation of the Commission shall 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 ;

BE it therefore 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 *Port Augusta to Alice Springs Railway (Alteration of Route) Act 1950.* Short title.

2. In this Act, "the Commission" means a Royal Commission appointed by the Governor-General by an instrument substantially in accordance with the form contained in the Schedule to this Act. Definition.

3. The recommendations of the Commission on the question referred to it shall be binding on the Commonwealth, and the Commonwealth shall cause a standard gauge line of railway to be constructed between Stirling North and Brachina on the route recommended by the Commission. Effect of recommendations of the Commission.

## THE SCHEDULE.

Section 2.

### COMMONWEALTH OF AUSTRALIA.

GEORGE THE SIXTH, by the Grace of God of Great Britain, Ireland, and of the British Dominions beyond the Seas King, Defender of the Faith.

To our trusty and well-beloved—

[Here the names of the Commissioners shall be inserted, who shall be—

- (a) a Judge of the Supreme Court of a State other than South Australia ;
- (b) a person nominated by the Government of the Commonwealth ; and
- (c) a person nominated by the Government of South Australia.]

#### GREETING :

WHEREAS the Constitution of the Commonwealth of Australia provides that the Parliament shall, subject to the Constitution, have power to make laws for the peace, order and good government of the Commonwealth with respect to, *inter alia*, the acquisition with the consent of a State of any railways of the State on terms arranged between the Commonwealth and the State :

AND WHEREAS the railway from Port Augusta to Oodnadatta in the State of South Australia was, in pursuance of the *Northern Territory Acceptance Act 1910* and with the consent of the State of South Australia, acquired by the Commonwealth on terms arranged between the Commonwealth and the State :

AND WHEREAS the railway from Port Augusta to Oodnadatta has, in pursuance of the *Oodnadatta to Alice Springs Railway Act 1926*, been extended to Alice Springs :

AND WHEREAS by paragraph (a) of clause 21 of the Agreement the execution of which was authorized by the *Railway Standardization (South Australia) Agreement Act 1949* it is provided that the Commonwealth shall undertake the conversion to standard gauge of the 3 feet 6 in gauge lines of the Commonwealth Railways from Port Augusta to Alice Springs, the conversion to standard gauge of existing locomotives and rolling stock suitable for conversion, and the construction of standard gauge locomotives and rolling stock to the extent necessary to replace the existing capacity of all units unsuitable for conversion to standard gauge :

THE SCHEDULE—*continued.*

AND WHEREAS the Constitution further provides that the Parliament shall, subject to the Constitution, have power to make laws for the peace, order and good government of the Commonwealth with respect to railway construction and extension in any State with the consent of that State :

AND WHEREAS, since the *Railway Standardization (South Australia) Agreement Act 1949* was enacted, the question has been raised whether, in converting the Port Augusta to Alice Springs railway to standard gauge, an alteration should be made in the route of that part of the said railway which lies between Stirling North and Brachina :

NOW THEREFORE WE do by these Our Letters Patent, issued in Our name by Our Governor-General in and over Our Commonwealth of Australia, acting with the advice of Our Federal Executive Council, in pursuance of the Constitution of Our said Commonwealth, the *Royal Commissions Act 1902-1933*, and all other powers him thereunto enabling, appoint you to be Commissioners, to examine, inquire into and report upon the question as to which of the routes referred to in the Schedule as the "B2" route and the "C" route is, notwithstanding any provision contained in the Agreement the execution of which was authorized by the *Railway Standardization (South Australia) Agreement Act 1949*, more suitable for the construction of a standard gauge railway between Stirling North and Brachina, having regard to—

- (a) the proposed conversion to standard gauge of the railway from Port Augusta to Alice Springs ;
- (b) the cost of construction and maintenance of the respective routes ;
- (c) the comparative economics of operating the railway over the respective routes ;
- (d) the efficiency of operation of the Commonwealth and State Railways ;
- (e) the interests of the local inhabitants who are or will be served by railways on the respective routes ;
- (f) the economic interests of the Commonwealth and the State as a whole ;
- (g) the other advantages and disadvantages of the respective routes ; and
- (h) the probability of an increase in the annual tonnage of coal hauled from Leigh Creek coalfield (taking into account future expansions of electricity undertakings and of industry generally) and the consequential financial results on the cost of constructing and operating railways on the respective routes,

but not having regard to any break-of-gauge station required at the northern terminus of the standard gauge line :

And We appoint you the said to be Chairman of the said Commissioners and as such to have a deliberative vote, and, in the event of an equality of votes, a casting vote, in all matters considered by the Commission :

And We direct that, for the purpose of inquiring into and taking evidence upon any matter entrusted to you Our said Commissioners, any two of you Our said Commissioners shall be sufficient to form a quorum and may proceed with the inquiry under these Our Letters Patent :

And We require you with as little delay as possible to report to Our Governor-General in and over Our said Commonwealth the result of your inquiries into the matters entrusted to you by these Our Letters Patent.

## THE SCHEDULE.

1. The proposal referred to as "B2" route in the report of the South Australian Railways Commissioner dated the thirteenth day of July, One thousand nine hundred and fifty, addressed to the Minister for Railways, South Australia.

2. The proposal referred to as "C" route in the report of the Commonwealth Railways Commissioner dated the fifteenth day of December, One thousand nine hundred and forty-nine, addressed to the Minister of State for the Interior.