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An Act to Make Provision for the Acquirement by the State of all the Right, Title, and Interest of the Council of the Shire of Pioneer in the Tramways known, respectively, as the "McGregor Creek Tramway" and the "Cattle Creek Extension," and for the Working and Management of the said Tramways in connection with the Mackay Railway, and for the Extension of the said Tramways, and for the Constitution of Railway Districts under "The Railways Act of 1906" in respect of the said Tramways as so extended, and for the Application of the said Act to the said Tramways as so extended, and for other incidental purposes.

9 Edw. VII.
No. 5.
THE MACKAY
RAILWAY
EXTENSION
AND
MCGREGOR
CREEK
BRANCH
RAILWAYS
ACT OF 1909.

[ASSENTED TO 7TH DECEMBER, 1909.]

WHEREAS the Council of the Shire of Pioneer has, Preamble.
under the authority of an Order in Council dated the thirtieth day of September, one thousand nine hundred and three, issued under "*The Tramways Act of 1882*,"* constructed a Tramway, known as the "McGregor Creek Tramway," from Benholme, on the Mackay Railway, to Kirkup, in length seven miles and twenty-one chains or

* 46 Vic. No. 10, *supra*, page 2107.

thereabouts: And whereas the said Council has, under the authority of an Order in Council dated the twenty-sixth day of February, one thousand nine hundred and four, issued under "*The Tramways Act of 1882*,"* constructed a Tramway known as the "Cattle Creek Extension," hereinafter called the Cattle Creek Tramway, being an extension of the said Mackay Railway from Pinnacle to Finch Hatton, in length six miles and four chains or thereabouts:

And whereas the cost of the said Tramways was defrayed by the said Council by means of a loan from the Treasurer granted under "*The Local Works Loan Acts, 1880 to 1899*":† And whereas there is presently owing by the said Council to the Treasurer, in respect of the principal moneys so advanced and accrued interest thereon, in respect of the McGregor Creek Tramway the sum of eleven thousand six hundred and thirty-four pounds eighteen shillings and six pence, and in respect of the Cattle Creek Tramway the sum of ten thousand two hundred and eighty-three pounds four shillings and five pence, making a total indebtedness of twenty-one thousand nine hundred and eighteen pounds two shillings and eleven pence:

And whereas the said Tramways have since the respective dates of their completion been worked and managed by the Commissioner for Railways in connection with the Mackay Railway under agreements in that behalf entered into by and between the said Commissioner representing the Government of Queensland and the said Council:

And whereas it is to the public advantage that the said Tramways should continue to be worked by the said Commissioner in connection with the Mackay Railway:

And whereas the said Commissioner has reported to the Secretary for Railways that the public utility of the said Tramways would be greatly increased if the said McGregor Creek Tramway were extended towards Silent Grove, a length of two miles or thereabouts, and if the said Cattle Creek Tramway were extended to the foot of the Eungella Range, a length of six and three-quarter miles or thereabouts:

And whereas the said Council is not desirous of incurring any further expenditure in and about the construction of the said extensions of the said Tramways or either of them:

* 46 Vic. No. 10, *supra*, page 2107.

† 44 Vic. No. 9, *supra*, page 1456; 62 Vic. No. 9, *supra*, page 6600; 63 Vic. No. 7, *supra*, page 7139.

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And whereas the said Council is willing, in consideration of its being absolutely discharged from all its liability to the Treasurer in respect of the said sum of twenty-one thousand nine hundred and eighteen pounds two shillings and eleven pence, being the amount presently owing in respect of the said advances for the construction of the said Tramways and interest as aforesaid, that all the right, title, and interest of the said Council in the said Tramways should be transferred to and be vested in the said Commissioner, so that the said Tramways, with any extensions of the same, shall become State Railways under and subject to the laws in force relating to the railways of the State :

And whereas the said Tramways have been well and faithfully constructed and are now safe and fit for public traffic, and it is expedient that the same should be acquired by the State upon the terms aforesaid, and as so acquired should be extended as hereinbefore mentioned in accordance with plans, sections, and books of reference approved by Parliament and be worked in connection with the Mackay Railway, and that the McGregor Creek Tramway extended towards Silent Grove aforesaid should be deemed to be a railway subject to "*The Railways Act of 1906*,"* and that the Cattle Creek Tramway extended to the foot of the Eungella Range aforesaid should be deemed to be a railway subject to "*The Railways Act of 1906*"* :

Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as "*The Mackay Railway Short title. Extension and McGregor Creek Branch Railways Act of 1909.*"

2. (1.) It shall be lawful for the Council of the Shire of Pioneer to transfer to the Commissioner for Railways representing the Government of Queensland, and for the said Commissioner to acquire from the said Council all the right, title, and interest whatsoever of the Council of the Shire of Pioneer in the following Tramways, namely:—

(a) "The McGregor Creek Tramway," constructed from Benholme, on the Mackay Railway, to Kirkup, in length seven miles and twenty-one chains or thereabouts; and

Power to
Pioneer Shire
Council to
transfer and
to Com-
missioner to
acquire the
McGregor
Creek and
Cattle Creek
Tramways.

* 6 Edw. VII. No. 15, *supra*, page 9109.

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(b) "The Cattle Creek Tramway," being an extension of the Mackay Railway constructed from Pinnacle to Finch Hatton, in length six miles and four chains or thereabouts.

(2.) The total consideration that shall pass or be given by the Commissioner for Railways representing the Government of Queensland to the said Council for the transfer of the aforesaid Tramways shall be the absolute discharge and extinguishment of a debt amounting to the sum of twenty-one thousand nine hundred and eighteen pounds two shillings and eleven pence presently owing by the said Council to the Treasurer in respect of a loan advanced by the Treasurer to the said Council, under and subject to "*The Local Works Loans Acts, 1880 to 1899*,"* for the construction of the said Tramways and accrued interest thereon.

(3.) It shall be lawful for the said Council and for the said Commissioner representing the Government of Queensland and for the Treasurer to enter into and execute such agreement, with all stipulations and covenants as shall be deemed necessary or proper, to transfer the said Tramways and each of them, and all the right, title, and interest of the said Council therein, to and to vest the same in the said Commissioner, and, in consideration therefor, to absolutely discharge and extinguish the said debt owing by the said Council to the Treasurer.

(4.) Upon the execution of the said agreement, a copy of the same shall be published in the *Gazette*, and thereupon, subject to the provision next hereinafter contained, the said Tramways and each of them shall be divested from the Council of the Shire of Pioneer and become and be vested in the Commissioner for Railways, freed from all rights, claims, and demands whatsoever of or by the said Council; and the said debt of the said Council to the Treasurer shall be absolutely discharged and extinguished.

(5.) Provided, nevertheless, that such agreement shall have no force or effect whatsoever unless or until Railway Districts are duly constituted under "*The Railways Act of 1906*,"† as modified by this Act, for each of the said Tramways as proposed to be extended in accordance with the approval and authority hereinafter granted.

3. When the said Tramways have become so vested in the Commissioner for Railways, they and each of them shall be and be deemed for all purposes to be part of the

Tramways to
be part of
Mackay
Railway.

* 44 Vic. No. 9, *supra*, page 1456; 62 Vic. No. 9, *supra*, page 6600; and 63 Vic. No. 7, *supra*, page 7139.

† 6 Edw. VII. No. 15, *supra*, page 9109.

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State Railways, and shall be worked and managed in connection with the Mackay Railway.

4. (1.) The construction of a line of State Railway from Kirkup towards Silent Grove, being an extension of the McGregor Creek Tramway, in length two miles or thereabouts, in accordance with plans, section, and book of reference prepared by the Commissioner for Railways and approved by Parliament, is authorised and approved.

Construction
of extensions
approved.

(2.) The construction of a line of State Railway from Finch Hatton to the foot of the Eungella Range, being an extension of the Cattle Creek Tramway, in length six and three-quarter miles or thereabouts, in accordance with plans, section, and book of reference prepared by the Commissioner for Railways and approved by Parliament, is authorised and approved.

5. (1.) For the purposes of "*The Railways Act of 1906*,"* the actual cost of the construction of the McGregor Creek Tramway when acquired as aforesaid from the Council of the Shire of Pioneer shall be deemed to be eleven thousand six hundred and thirty-four pounds eighteen shillings and six pence, and that amount shall be included in the certificate to be given by the Commissioner for Railways under section five of the said Act as part of the total actual cost of the construction of the said Tramway when extended toward Silent Grove as hereinbefore provided.

Constructional cost
of each
Tramway.

(2.) For the purposes of "*The Railways Act of 1906*,"* the actual cost of the construction of the Cattle Creek Tramway when acquired as aforesaid from the Council of the Shire of Pioneer shall be deemed to be ten thousand two hundred and eighty-three pounds four shillings and five pence, and that amount shall be included in the certificate to be given by the Commissioner for Railways under section five of the said Act as part of the total actual cost of the construction of the said Tramway when extended to the foot of the Eungella Range as hereinbefore provided.

6. Save as expressly modified by this Act, all the provisions of "*The Railways Acts, 1863 to 1906*,"† shall apply to—

Application of
Railways Acts
generally.

- (a) The McGregor Creek Tramway when acquired as aforesaid from the Council of the Shire of Pioneer and also when extended toward Silent Grove as hereinbefore provided; and

* 6 Edw. VII. No. 15, *supra*, page 9109.

† 27 Vic. No. 8, *supra*, page 2065; 28 Vic. No. 24, *supra*, page 2096; 36 Vic. No. 21, *supra*, page 2099; 44 Vic. No. 10, *supra*, page 2104; 52 Vic. No. 8, *supra*, page 2596; 60 Vic. No. 30, *supra*, page 6097; 64 Vic. No. 12, *supra*, page 7366; 2 Edw. VII. No. 8, *supra*, page 8599; and 6 Edw. VII. No. 15, *supra*, page 9109.

(b) The Cattle Creek Tramway when acquired as aforesaid from the Council of the Shire of Pioneer and also when extended to the foot of the Eungella Range as hereinbefore provided.

Modification
of application
of s. 4. of
Act of 1906.

7. The Commissioner for Railways shall transmit to the Minister a map and description, under his official seal, of each District, respectively, which in his opinion will be directly benefited by the acquirement and extension as aforesaid of the McGregor Creek Tramway and the Cattle Creek Tramway. Such map and description of each of such Districts shall, for the purposes of the application of section four of "*The Railways Act of 1906*"* to each of the said Tramways, and of the constitution of the respective Railway Districts in respect of each of the said Tramways, have the same force and effect and be dealt with in all respects as if it had been transmitted under subsection one of that section for the purpose of a railway proposed to be newly constructed through its whole length.

Upon the constitution under the said section of each of the said Railway Districts, "*The Railways Act of 1906*,"* save as modified by this Act, shall apply to each of the said Tramways as if each of them had been respectively newly constructed through its whole length within its respective Railway District.

9 Edw. VII.
No. 17.
THE
PORT ALMA
RAILWAY
ACT OF 1909.

An Act to Validate an Agreement entered into between the Secretary for Railways, for and on behalf of the Government of Queensland, and The Rockhampton Harbour Board, for the Construction of a Branch Line of Railway from Port Alma to a Point on the Main Line of Railway from Rockhampton to Gladstone, and to Authorise the Construction of the said Railway, and to make Provision for certain Matters incidental thereto.

[ASSENTED TO 29TH DECEMBER, 1909.]

Preamble.

WHEREAS the Rockhampton Harbour Board has for some time past been desirous of having a line of railway constructed to connect the Port Alma Wharf with some point on the Government Railway between Rockhampton and Gladstone, and with that object has

* 6 Edw. No. 15, *supra*, page 9109.