



ANNO DECIMO QUARTO

GEORGI VI REGIS.

A.D. 1950.

No. 48 of 1950.

An Act to authorize the execution on behalf of the State of an Agreement between the Commonwealth and the State relating to the construction of a railway from Brachina to Leigh Creek North Coalfield, and to grant the consent of the State to the construction of the said railway by the Commonwealth, and for purposes incidental thereto.

[Assented to 30th November, 1950.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1. This Act may be cited as the " Brachina to Leigh Creek North Coalfield Railway Agreement Act, 1950 ". Short title.
2. (1) The execution by or on behalf of the State of an Agreement between the Commonwealth and the State substantially in accordance with the form contained in the schedule to this Act is hereby authorized. Execution of Agreement.
 (2) The Agreement so executed shall be deemed to have been approved by the Parliament of the State.
3. The State hereby consents to the construction of the railway from Brachina to Leigh Creek North Coalfield in accordance with the Agreement as executed pursuant to this Act. Consent to construction of railway.

Operation of
Agreement.

4. The Government of the State shall perform or cause to be performed the obligations imposed on it by the Agreement executed pursuant to this Act.

In the name and on behalf of His Majesty, I hereby
assent to this Bill.

C. W. M. NORRIE, Governor.

THE SCHEDULE.

AGREEMENT made the _____ day of _____ one thousand nine hundred and fifty between the COMMONWEALTH OF AUSTRALIA (hereinafter referred to as "the Commonwealth") of the first part and the STATE OF SOUTH AUSTRALIA (hereinafter referred to as "the State") of the second part: WHEREAS coal produced at Leigh Creek Coalfield, South Australia, is required for the regional power station under construction at Port Augusta, South Australia, and for consumption in Adelaide and elsewhere in South Australia: AND WHEREAS transport of such coal to the said regional power station and to Adelaide and elsewhere is limited by the capacity of the existing 3ft. 6in. gauge railway: AND WHEREAS in order to transport the required quantities of such coal with maximum efficiency and economy in railway operation it is necessary to construct a 4ft. 8½in. gauge railway from Stirling near Port Augusta to Leigh Creek North Coalfield (hereinafter referred to as "the standard gauge railway"): AND WHEREAS it is desirable to construct as part of the standard gauge railway a railway from Brachina South Australia to Leigh Creek North Coalfield (hereinafter referred to as "the said railway"): NOW THIS AGREEMENT WITNESSETH as follows:—

1. (1) The Commonwealth undertakes to have enacted as soon as possible by the Parliament of the Commonwealth legislation authorizing this agreement to be performed by the Commonwealth.

(2) The State undertakes to have enacted as soon as possible by the Parliament of the State legislation authorizing this agreement to be performed by the State.

2. This agreement shall not have any force or effect and shall not be binding on either party unless and until—

(a) it is approved by the Parliament of the Commonwealth and the Parliament of the State;

(b) the State has given the consent required under the Commonwealth of Australia Constitution Act for the construction in the State of the said railway which under this agreement is to be constructed by the Commonwealth.

3. (1) The Commonwealth will at its own expense construct the said railway from Brachina to Leigh Creek North Coalfield approximately 6 miles north of Telford railway station which railway shall be operated and maintained by the Commonwealth Railways Commissioner as an integral part of the Commonwealth Railways.

(2) The route of the said railway shall be as set out in the schedule of this agreement, but the Commonwealth Railways 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 Commonwealth will commence to construct the said railway as soon as practicable after the approval and consent mentioned in clause 2 hereof are given.

5. 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 connection with the construction, maintenance or working of the said railway.

6. The State will as soon as possible after notification in writing of the route recommended by the Royal Commission granted by Letters Patent dated the _____ day of _____ relating to the route for the construction of that part of the standard gauge railway from Stirling North to Brachina by the Prime Minister to the Premier of the State authorize by legislation the Commonwealth in the same way and to the same extent as in this agreement to do all that is necessary to enable the Commonwealth and the Commonwealth Railways Commissioner to construct, operate, and maintain the said part of the standard gauge railway from Stirling North to Brachina as an integral part of the Commonwealth Railways.

1950. **Brachina to Leigh Creek North Coalfield Railway Agreement Act, 1950.** No. 48.

IN WITNESS whereof the Commonwealth of Australia and the State of South Australia have executed these presents.

SIGNED by the Prime Minister of the Commonwealth of Australia for and on behalf of the said Commonwealth in the presence of

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SIGNED by the Premier of the State of South Australia for and on behalf of the said State in the presence of

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THE SCHEDULE.

The route begins at Brachina (102 miles 4 chains from Stirling) on the existing 3ft. 6in. gauge railway (hereinafter referred to as "the existing railway") and follows the existing railway bearing north for about 16 miles thence west of north to 38 miles thence north-east to 48 miles at a point about one half mile south of Puttappa railway siding thence north and near the existing railway to 52 miles at Emu Creek thence north-west to 53½ miles thence north-east to 56½ miles thence north and following the existing railway passing through Copley at 58 miles thence north-west to 60½ miles thence west of north to 61½ miles thence north-east to 64 miles thence west of north and following the existing railway passing through Telford at 64½ miles to Leigh Creek North Coalfield 70½ miles from Brachina.