



ANNO QUARTO

# GEORGII V REGIS.

A.D. 1913.

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## No. 1145.

An Act to authorise the Construction of a Loop Line of Railway at Goolwa, and for other purposes.

[*Assented to, December 18th, 1913.*]

**B**E 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 Goolwa Loop Line Railway Act, 1913." Short title.

2. The Acts mentioned in the Schedule to this Act, and all Acts amending or substituted for the said Acts, or any of them, or any such amending or substituted Act, so far as the same are severally applicable to the purposes of this Act and are not inconsistent with this Act, are or shall be incorporated with this Act, subject however to the exceptions stated in the said Schedule. Acts incorporated.

3. The South Australian Railways Commissioner (hereinafter called "the Commissioner"), in addition to any railways now existing, may construct and maintain— Commissioner authorised to construct railway.

(a) a railway (hereinafter called "the railway") in connection with any existing railway or railways, as the railway is delineated in the plan deposited in the office of the Surveyor-General at Adelaide, signed "J. C. B. Moncrieff, Chief Engineer for Railways," and dated the eighth day of September, nineteen hundred and thirteen, and therein described as "Loop Line," or as the railway is delineated in any plans hereafter so deposited pursuant to any law for the time being in force as to the deposit of such plans; and

(b) all

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(b) all proper works and conveniences connected with, or for the purposes of, the railway and any existing railway or railways, or either of them :

Provided that in case the Houses of Parliament are not in Session at the time when any plans and books of reference are deposited in the office of the Surveyor-General under section 9 of "The Railway Clauses Act, 1876," the Commissioner may make deviations under the said section before causing copies of such plans and books of reference to be laid before Parliament, but such copies shall be laid before both Houses of Parliament within fourteen days after the commencement of the next Session of Parliament.

No. 32 of 1876.

Tolls and charges.

4. The Commissioner may demand for the use of the railway, and in respect thereof, and for the carriage of goods, stock, minerals, mails, parcels, and passengers thereon, and for the loading and unloading of goods, stock, minerals, mails, and parcels, such fares, tolls, charges, and rates as are from time to time fixed by the Commissioner, in manner prescribed by any Act or Acts under which the Commissioner fixes fares, tolls, charges, and rates in respect of the railways under his control.

Appropriation of tolls, &c.

5. All fares, tolls, rents, dues, charges, rates, and sums of money which are received and levied under authority of this Act shall be paid, in such manner as is prescribed by the Governor, to the Treasurer of the said State for the public purposes of the said State.

Power to discontinue old route and dispose of materials thereof.

Cf. Act 1041, 1911, s. 6.

6. When the railway has been constructed the Commissioner may—

- (a) discontinue the working of the portion of railway on the said deposited plan described as "existing line," and
- (b) take up and remove the said portion of railway, and
- (c) use the materials so taken up as he deems expedient, or sell or otherwise dispose of them, or any of them, as he deems proper.

Method of determining purchase-money and compensation for land taken.

No. 32 of 1876.

No. 6 of 1847.

7. With respect to any land purchased or taken by the Commissioner for the purposes of this Act, or with respect to which he exercises for such purposes any of the powers conferred by any of the Acts incorporated with this Act, if the amount of compensation to be paid to any owner thereof is not determined by agreement in writing, signed by or on behalf of such owner and the Commissioner, within twenty-one days after the Commissioner has given notice to such owner, as required by section 18 of "The Lands Clauses Consolidation Act," that he requires to purchase or take such land, or that he desires to have the compensation for the exercise of the said powers fixed, as the case may be, the amount of compensation shall be determined by arbitration in the following manner:—

Notice to arbitrate and appointment of arbitrator by Commissioner.

1. The Commissioner may give notice in writing to such owner of his intention to have the compensation settled by arbitration, and may, by the same or a subsequent notice in writing

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writing to such owner, nominate and appoint an arbitrator to act in the reference on behalf of the Commissioner:

- ii. Such owner may, within twenty-one days after the giving of such notice appointing an arbitrator, give notice in writing to the Commissioner agreeing that such arbitrator shall be sole arbitrator, or nominating and appointing another arbitrator to act in the reference on behalf of such owner:
- Appointment of arbitrator by owner.
- iii. Each such notice nominating and appointing an arbitrator, or agreeing to the appointment of a sole arbitrator, shall be deemed a submission to arbitration on the part of the party by whom the same is given; and after the giving of any such notice neither party shall have power to revoke the appointment thereby made or such submission without the consent in writing of the other party, nor shall the death of either party operate as a revocation:
- Notice of appointment deemed a submission.
- iv. Unless such owner, within twenty-one days after the giving by the Commissioner as aforesaid of notice nominating and appointing an arbitrator, gives notice to the Commissioner, as provided by paragraph ii. hereof, agreeing that such arbitrator shall be sole arbitrator or nominating and appointing another arbitrator, the Commissioner may appoint the arbitrator nominated and appointed by him to act on behalf of both parties; and such arbitrator shall proceed to hear and determine the matter and shall give his award determining the price and compensation (if any) to be paid:
- In default of appointment by owner arbitrator appointed by Commissioner to act alone.
- v. All the provisions of sections 26 to 33 inclusive, and of section 35 of "The Lands Clauses Consolidation Act" shall, *mutatis mutandis*, apply with respect to the determination of the compensation:
- Provisions as to umpire, vacancies, &c.
- vi. The costs of the reference and award shall be determined as provided by "The Lands Clauses Consolidation Act."
- Costs.
- vii. No notice, appointment, or award made under this section shall be set aside or be invalid for irregularity or error in matter of form:
- Informality not to invalidate.
- viii. Every award under this section of arbitrators, or of a single arbitrator (in a case where it is agreed, as mentioned in paragraph ii. hereof, that an arbitrator shall be the sole arbitrator, or where a single arbitrator is empowered by this section to give an award), or of an umpire, shall be final: Provided always that where an arbitrator or umpire has misconducted himself, the Court may remove him, and that where an arbitrator has misconducted himself, or an arbitration or award has been improperly procured, the Court may set the award aside. "Court" in this paragraph means the Supreme Court, or a Judge thereof:
- Award to be final.

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Effect of submission  
and award.

ix. A submission to arbitration under this section shall have the same effect as if it had been made an order of the Supreme Court; and an award under this section may, by leave of the Supreme Court or a Judge thereof, be enforced in the same manner as a judgment or order of the said Court to the same effect:

Meaning of "owner"  
and "land."

x. In this section—

(a) the word "owner" includes, with respect to any land, any person having any estate or interest (legal or equitable) in the land, or any easement, right, power, or privilege, in, under, over, affecting, or in connection with the land, or by "The Lands Clauses Consolidation Act" enabled to sell and convey, transfer, release, assign, or otherwise assure such estate, interest, easement, right, power, or privilege; and

(b) the word "land" includes any estate or interest (legal or equitable) in land, and any easement, right, or privilege in, under, over, affecting, or in connection with the land.

No. 6 of 1847.

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

DAY H. BOSANQUET, Governor.

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## THE SCHEDULE.

Ordinance No. 6 of 1847.—“The Lands Clauses Consolidation Act,” except sections 9, 12 to 17 inclusive, 21 to 25 inclusive, 34, 38 to 62 inclusive, 64 to 68 inclusive, 110, 114 to 120 inclusive, 136, and 137. Sec. 2.

Act No. 26 of 1855-6, being an Act to amend “The Lands Clauses Consolidation Act,” except sections 1, 4, and 6.

Act No. 202 of 1881.—“The Lands Clauses Consolidation Amendment Act, 1881,” except sections 5 to 11 inclusive.

Act No. 1035 of 1911.—“The Lands Clauses Consolidation Further Amendment Act, 1911.”

Ordinance No. 7 of 1847.—“The Railways Clauses Consolidation Act.”

Act No. 6 of 1858, being an Act to amend “The Railways Clauses Consolidation Act.”

Act No. 32 of 1876.—“The Railways Clauses Act, 1876.”

Act No. 414 of 1887.—“The South Australian Railways Commissioners Act, 1887.”

Act No. 512 of 1891.—“The South Australian Railways Commissioners Act Amendment Act, 1891.”

Act No. 612 of 1894.—“The South Australian Railways Commissioners Act Amendment Act, 1894.”

Act No. 912 of 1906.—“The South Australian Railways Commissioners Further Amendment Act, 1906.”

Act No. 988 of 1909.—“The South Australian Railways Commissioners Act Amendment Act, 1909.”

Act No. 23 of 1862.—“The Victor Harbor Works and Tramway Act, 1862.”

Act No. 1 of 1866.—“Strathalbyn and Middleton Tramway Act, 1866.”

Act No. 14 of 1869-70.—An Act to amend “The Victor Harbor Works and Tramway Act, 1862,” and the “Strathalbyn and Middleton Tramway Act, 1866.”

Act No. 294 of 1883-4.—“The Strathalbyn and Victor Harbor Railway Act, 1883.”