



ANNO SECUNDO

GEORGII V REGIS.

A.D. 1911.

No. 1070.

An Act to provide for the Construction of a Railway from Eudunda to Robertstown, and for other purposes.

[Assented to, January 4th, 1912.]

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 Robertstown Railway Act, 1911." Short title.

2. The Acts mentioned or referred to in the First Schedule, so far as the same are severally applicable, but with the exceptions stated in the said Schedule, are incorporated with this Act. Incorporation with other Acts.

3. In this Act, except where inconsistent with the context or some other meaning is clearly intended— Interpretation.

"Commissioner" means the South Australian Railways Commissioner:

"Cost of the railway" means and includes—

- I. The cost of constructing the railway and all works and conveniences connected therewith or for the purposes thereof;
- II. The cost of purchasing or otherwise acquiring the land required for the railway and the said works and conveniences, and of compensating persons interested in such land or injuriously affected by the construction of the railway and the said works and conveniences;

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III. The cost of the additional rolling-stock which the Commissioner estimates will be required for working the railway; and

IV. All other expenses of constructing the railway or incidental to the above-mentioned items respectively numbered I., II., and III., or any of them:

“Council” means a District Council whose district, or part of whose district, is included in the Railway District:

“District” means the district under the jurisdiction of a District Council:

“Gazette” shall mean *The South Australian Government Gazette*:

“Ratepayer” means a ratepayer within the meaning of the District Councils Act:

No. 419 of 1887.

“The District Councils Act” means “The District Councils Act, 1887,” and all Acts amending that Act, or any Act substituted for that Act, and all Acts amending such substituted Act:

“The railway” or “the said railway” means the railway which, subject to the provisions of this Act, is authorised by section 4:

“The Railway District” means the Railway District constituted by this Act:

“Year” means a period of twelve months ending on the thirtieth day of June.

Power to construct the railway.

4. Subject to the provisions hereafter in this Act contained, the South Australian Railways Commissioner may construct and maintain—

I. A railway from Eudunda to Robertstown, as the said railway is delineated in the plan deposited in the office of the Surveyor-General, in Adelaide, signed “Walter Rutt, Chief Engineer for Railways,” and dated the second day of September, one thousand nine hundred and eleven, or as the said railway is delineated in any plans so deposited after the passing of this Act pursuant to any law for the time being in force as to the deposit of such plans; and

II. All proper works and conveniences connected with, or for the purposes of, the said railway or any part thereof, or of the said railway and any other railway:

Provided that in case the Houses of Parliament are not sitting when any plans and books of reference are deposited in the office of the Surveyor-General under section 9 of “The Railways 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 next sittings of such Houses respectively.

No. 32 of 1876.

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5. The Commissioner shall call for tenders for the construction of the said railway, to be sent in within such time, to such place, and to be upon and subject to such terms, conditions, and provisions as he deems advisable, and may accept or reject any tender; and he may construct the said railway himself if no tender for the construction thereof is accepted: Provided that no tender which exceeds Three Thousand Pounds per mile shall be accepted, nor shall the Commissioner construct the said railway himself at a cost exceeding that sum per mile.

Tenders.

6. The gauge of the said railway shall be five feet three inches, and the rails to be used in the construction thereof shall be of iron or steel, and of the weight of not less than forty pounds to the yard.

Gauge and rails.

7. The Commissioner may demand for the use of the said 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, minerals, mails, and stock, 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 may fix fares, tolls, charges, and rates in respect of the railways under his control.

Fares, tolls, and charges.

8. Subject to the provisions of this Act, 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.

Appropriation of fares, tolls, &c.]

9. The lands situated within the area defined in the plan in the Fifth Schedule and enclosed by the outer edge of the blue line shown on such plan, are hereby constituted a Railway District for the purposes of this Act, and shall be called "The Robertstown Railway District."

Constitution of "The Robertstown Railway District."

10. Within three months from the passing of this Act the question whether the railway shall be constructed shall be submitted by each Council to a poll of the ratepayers who are assessed in respect of such of the land included within the Railway District as is situated within the district of such Council: Provided that no poll taken in pursuance of this section shall be invalid merely on the ground that it was taken after the expiration of the said three months.

Question to be submitted to poll of ratepayers.

11. (1) Every poll of ratepayers under this Act shall be taken by ballot, and the following provisions shall be observed in respect of each poll:—

Provisions for poll.

1. The Council shall appoint a Returning Officer for the purpose of the poll, who shall, *mutatis mutandis*, have all the powers conferred by the District Councils Act, and all the powers conferred by "The Ballot Act, 1862," and any Act amending that Act, on a Returning Officer in case of an election, and shall preside at the taking of the poll: Provided that he may appoint deputies to preside at the polling-places where he does not preside personally:

Returning Officer.

No. 13 of 1852.

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- Polling-places. II. The Council shall appoint a polling-place in the district for such poll, and where the district is divided into wards shall appoint a polling-place in each ward which is included, or part of which is included, in the Railway District:
- Notice of poll. III. The Council shall, not less than twenty-eight days before the day fixed for the poll, cause a notice stating—
- (a) The day fixed for the poll;
 - (b) The polling-place appointed for the district, or the polling-places appointed for the several wards;
 - (c) The name and address of the Returning officer; and
 - (d) The hours of polling,
- to be inserted in at least two newspapers circulating in the district, and to be given in such (if any) other ways as the Council deems expedient:
- Polling-booths. IV. The Returning Officer, if it appears to him expedient, may cause rooms to be erected, or rooms to be hired and used as booths for the purpose of the poll, at the several polling-places in the district; and the same shall have such separate voting compartments as the Returning Officer deems most convenient, constructed so as to screen the voters from observation while they mark their voting-papers:
- List of ratepayers. V. The Returning Officer, before the day fixed for taking the poll, shall cause to be furnished for use at the polling-place a copy of the assessment-book of the Council, or, if the district is divided into wards, shall cause to be furnished for use at the polling-place in each ward in which the poll is to be taken a copy of such portion of the assessment-book as relates to land within the ward; and in such copy he shall indicate what ratepayers are entitled to vote at the polling-place for which it is furnished, and the number of votes to which each ratepayer is entitled; and he shall certify each such copy as correctly indicating the ratepayers who are entitled to vote at the polling-place and the number of votes to which they are respectively entitled, and shall sign such certificate. Such copy of the assessment-book or any such copy of portion thereof need not contain any matter relating only to rates:
- Hours of polling. VI. The taking of the poll shall commence at eight o'clock in the forenoon, and shall continue open until all the voters present in the polling-booth at seven o'clock in the afternoon have had an opportunity of voting, and shall then close; in any dispute as to time the decision of the Returning Officer or his deputy shall be final:
- Scrutineers. VII. In respect of each polling-place two scrutineers, to be present at the voting thereat, shall be appointed by the Council:
- VIII. The

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- viii. The ratepayers entitled to vote are those whose names appear in the assessment-book as ratepayers, in respect of such of the land included within the Railway District as is situated within the district: Provided that no person shall be entitled to vote unless he—
- Who entitled to vote.
- (a) Was a ratepayer in respect of land so included and situated on the first day of December, nineteen hundred and eleven, and
- (b) Is a ratepayer in respect of land so included and situated on the day of the taking of the poll:
- ix. In case any ratable property which is included within the Railway District and situated within the district of the Council is held by a body corporate as a ratepayer, such body corporate may, by writing delivered to the Returning Officer on or before the fourteenth day before the day fixed for the poll, nominate a person to vote at the poll on behalf of such body corporate. Such person shall, for the purposes of the poll, be regarded as a ratepayer instead of such body corporate, and his name shall accordingly be entered upon the copy of the assessment-book or of portion thereof furnished for use at the poll, and he shall, notwithstanding anything in this section, have the same rights of voting as such body corporate would have if it were a natural person, in addition to any rights which he may have on his own behalf. Except by the means provided by this paragraph no body corporate shall have any right to vote at the poll:
- Exercise of voting power by body corporate.
Cf. M.C. Amendment Act, 833 of 1903, s. 32.
- x. Each ratepayer entitled to vote may vote on a scale according to the amount of the value at which he is assessed in the assessment-book in respect of land included in the Railway District, as follows:—Not exceeding Twenty-five Pounds, one vote; exceeding Twenty-five Pounds but not exceeding Thirty-five Pounds, two votes; exceeding Thirty-five Pounds but not exceeding Forty-five Pounds, three votes; exceeding Forty-five Pounds but not exceeding Fifty-five Pounds, four votes; exceeding Fifty-five Pounds, but not exceeding Sixty-five Pounds, five votes; exceeding Sixty-five Pounds, six votes. No person shall have more than six votes; and except as by this section provided, no person shall have more than one vote. For the purposes of this section, where land included in the Railway District and other land are assessed together in the assessment-book, the Council shall determine what portion of the assessed value is in respect of the land so included, and such determination shall, for the said purposes only, be final:
- Number of votes.
- xi. In case joint tenants or tenants in common are assessed in respect of any land the assessed value of the land shall be divided by the number of joint tenants or tenants in common
- Joint tenants and tenants in common.

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common, and the quotient (ignoring any remainder) shall, for the purposes of paragraph x. of this section, be deemed to be the value at which each of such joint tenants or tenants in common is assessed in respect of such land :

When ratepayer assessed in two or more wards.

xii. When a ratepayer's name appears in the assessment-book in respect of land included in the Railway District and situated in one ward and also in respect of land included in the Railway District and situated in another or other wards, the assessed values of all such lands shall be added together for the purpose of computing the number of votes to which he is entitled, and he shall be indicated as entitled to vote on the copy of portion of the assessment-book furnished for the polling-place in each of such wards, but he shall vote at one polling-place only :

All ratepayers entitled to vote.

xiii. Both the owner and the occupier of any ratable property may vote in respect thereof, but no person shall vote both as owner and as occupier either in respect of the same property or different properties :

Only to vote once.

xiv. Subject to paragraph ix. hereof, no person shall vote more than once, or at more than one polling-place :

Voting-papers.

xv. Every voting-paper shall bear the initials of the Returning Officer or his deputy on the back thereof, and shall have the following sentences on the face thereof :—

“ I approve of the railway authorised by ‘ The Robertstown Railway Act, 1911 ’ being constructed.”

“ I object to the railway authorised by ‘ The Robertstown Railway Act, 1911 ’ being constructed.” :

and shall also have a square printed opposite each such sentence ; and nothing else, except the cross indicating the vote, shall be inserted in or placed on any voting-paper. Any voting-paper not complying with this paragraph shall be informal :

Voter to state his name, &c.

xvi. Every person entitled and desiring to vote shall present himself to the Returning Officer, or his deputy, at the polling-place for the district or for the ward in which he claims to vote, and shall state his Christian name and surname, abode, profession or occupation, the nature of his qualification, and the place where the property in respect of which he claims to vote is situate. The Returning Officer, or his deputy, shall thereupon place a mark against the voter's name on the copy of the assessment-book, or of portion thereof, in use at the polling-place, and hand such voter a voting-paper for every vote to which he is entitled :

How to vote.

xvii. Upon receiving his voting paper or papers the voter shall without delay—
(a) Retire

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- (a) Retire alone into some unoccupied voting compartment of the booth, and there in private indicate his vote or votes by making a cross having its point of intersection within the square on his voting-paper, or on each of his voting-papers, opposite the sentence which expresses his wish; and
- (b) Fold the voting paper or papers so as not to show in what way the vote or votes have been given, but to show the initials of the Returning Officer, or his deputy, and exhibit it or them so folded to the Returning Officer, or his deputy, and then without unfolding, deposit it or them in a ballot box to be provided by the Returning Officer for that purpose.

No voting-paper deposited in the ballot box shall on any account be taken therefrom except in the presence of a scrutineer or scrutineers after the poll:

- xviii. If any voter satisfies the Returning Officer, or his deputy, that he is unable to vote without assistance, the Returning Officer, or his deputy, shall permit any person appointed by such voter to accompany him into the voting compartment and to mark, fold, and deposit his voting paper or papers for him: Voter requiring assistance.
- xix. Subject to paragraph xviii. of this section, the only persons who shall be allowed to remain in the polling-booth shall be the persons about to vote, the Returning Officer, his deputy, and the scrutineers: Who allowed in booth.
- xx. No inquiry shall be permitted at the poll as to the right of any person to vote, except as follows, that is to say:—The Returning Officer, or his deputy, may, or if required by any scrutineer shall, put to any person applying for a voting-paper at the time of his so applying, but not afterwards, the following questions, or any of them, and no other:— What questions may be put.
- (1) Are you the person whose name appears as [stating the name] and as the owner (*or* occupier) of the property set opposite such name in the assessment-book now in force for this District?
 - (2) Are you the owner (*or* the occupier) within the meaning of the District Councils Act of the property in respect of which you now claim to vote?
 - (3) Have you already voted at the present poll?

Provided that the Returning Officer or deputy may, by reference to the copy of the assessment-book or of portion thereof or otherwise, give any information necessary to explain any of the said questions:

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- Answers to questions.** **XXI.** No person shall be entitled to vote unless his answer to the first and second questions, or such of them as is put to him, is in the affirmative, and to the third, if put, is in the negative :
- Ballot boxes.** **XXII.** The Returning Officer, or his deputy, shall, before any vote is taken, in the presence of one at least of the scrutineers, exhibit the ballot box empty ; and shall, at the close of the poll, in the presence of one at least of the scrutineers, close, fasten, and seal the ballot box containing the voting-papers which have been deposited at the voting-place at which he presided, and shall also allow any scrutineer so desiring to seal the same ; and each deputy shall, with as little delay as possible, deliver, or cause his box to be delivered, to the Returning Officer :
- Scrutiny and count, and declaration of poll.** **XXIII.** At the close of the poll the Returning Officer shall fix a time, which shall be as soon as conveniently may be, and a place, for examining the votes and declaring the result of the poll, and shall at such time and place, in the presence of one at least of the scrutineers and of as many more of them as choose to be present—
- (a) Open all the boxes containing voting-papers deposited by voters at the taking of the poll at the several voting-places :
- (b) Examine all such voting-papers and reject all such as are informal as above mentioned, or contain crosses against both of the above sentences ; and
- (c) Ascertain from the voting-papers not so rejected, the total numbers of votes given in favor of the respective sentences.
- The Returning Officer shall then openly declare the said numbers and declare the result of the poll :
- Papers to be preserved.** **XXIV.** All voting-papers deposited at the poll shall be preserved by the Returning Officer until the expiration of three months after the publication of the certificate of the result of the poll, as provided by section 12.
- Offences connected with poll.** (2) Any person who, at or in connection with any poll taken under this section—
- (a) Votes or attempts to vote more than once, or at more than one polling-place, or
- (b) Personates any other person for the purpose of voting at such poll, or
- (c) Wilfully makes a false answer to any question lawfully put to him by the Returning Officer or his deputy, or
- (d) Wilfully obstructs the voting by any unnecessary delay in performing any act within a polling-booth, or
- (e) Unlawfully

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- (e) Unlawfully tampers with any ballot box or voting-paper used or to be used at such poll, or
- (f) In any other way wilfully infringes, whether by act or omission, any of the provisions of subsection (1) of this section,

shall be guilty of a misdemeanor, and shall be liable to be imprisoned, with or without hard labor, for any term not exceeding six months.

12. (1) The result of each poll shall be embodied in a certificate under the hand of the Returning Officer who presided thereat. Such certificate may be in the form in the Second Schedule, or in a form to the like effect.

Certificate of result of poll.

(2) Each such certificate shall be published in the *Gazette*, which shall, after the expiration of the period of three months immediately following such publication, be conclusive evidence of such result and of the validity of the poll and the performance of all conditions precedent thereto, unless the poll has, during such period, been declared to be invalid by the Supreme Court.

13. If the aggregate result of the polls is that two-thirds or more of the formal votes given at such polls are in approval of the railway being constructed the Governor may make an Order that the railway shall be constructed in pursuance of this Act, and such Order shall be published in the *Gazette*. When such Order has been so published, and not before, the railway may be constructed.

Order for carrying out the undertaking.

14. Within the meaning of any Act incorporated with this Act, the railway shall be deemed to be—

The railway deemed a railway constructed at the public expense.

- (a) A railway authorised to be constructed at the public expense;
- (b) A railway by this Act authorised to be constructed; and
- (c) An undertaking authorised by this Act.

15. 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 the powers conferred by section 4 of “The Railways Clauses Act, 1876,” 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:—

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

No. 6 of 1847.

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Notice to arbitrate and appointment of arbitrator by Commissioner.

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

Appointment of arbitrator by owner.

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 :

Notice of appointment deemed a submission.

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 :

In default of appointment by owner arbitrator appointed by Commissioner to act alone.

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 :

Provisions as to umpire, vacancies, &c.

V. All the provisions of sections 26 to 35 inclusive, of "The Lands Clauses Consolidation Act" shall, *mutatis mutandis*, apply with respect to the determination of the compensation :

Informality not to invalidate.

VI. No notice, appointment, or award made under this section shall be set aside or be invalid for irregularity or error in matter of form :

Award to be final.

VII. 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 :

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- VIII. 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: Effect of submission and award.
- IX. In this section— Meaning of "owner" and "land."
- (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 No. 6 of 1847.
- (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 land.
16. A statement of the cost of the railway shall, within a reasonable time after the completion of the railway, be published by the Commissioner in the *Gazette*, which shall be conclusive evidence of the cost of the railway. Statement of cost of railway to be published in *Gazette*.
17. A fund shall be constituted for the Railway District, and shall be held by the Treasurer of the said State. Such fund shall be called "The Robertstown Railway District Fund." Railway District Fund to be constituted.
18. (1) An account shall be kept by the Commissioner of the particulars and in the manner stated in sections 19 and 20, in respect of the railway for each year; and an abstract of such account for every year shall be published by the Commissioner in the *Gazette* within three months after the end of such year. Separate accounts to be kept for purposes of the Act.
- (2) The accounts required to be kept by virtue of this section shall be merely for the purpose of the special financial provisions of this Act, and shall not interfere with any other accounts usually kept by the Commissioner, or which he is required to keep, for other purposes.
19. (1) All earnings in respect of the railway or of any part thereof shall be credited by the Commissioner in the account by this Act required to be kept in respect of the railway. What to be credited in the accounts.
- (2) When in the course of the same journey, goods, stock, minerals, parcels, mails, or passengers are carried partly on the railway and partly on another or other railways in the said State, one-third of the earnings on account of such carriage on such other railway or railways (in addition to the whole of the earnings on account

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account of such carriage on the railway) shall be credited by the Commissioner in the account to be kept as aforesaid in respect of the railway.

(3) All divisions, apportionments, and creditings made by the Commissioner for the purposes of this section shall be final and conclusive for the purposes of this Act.

What to be debited
in the accounts.

20. (1) In the account by this Act required to be kept in respect of the railway, the Commissioner shall debit, as the first charge, the working expenses in respect of the railway, and as a further charge, interest at the rate of four per centum per annum on the cost of the railway.

(2) The working expenses in respect of the railway so to be debited shall be the following:—

- I. The expenses of and incidental to the carriage, loading, and unloading of goods, stock, minerals, parcels, mails, and passengers on the railway ;
- II. The expenses of maintaining the railway, and the works and conveniences connected therewith or for the purposes thereof ; and
- III. Such proportion of the expenses of maintaining, and (subject to subdivision (b) hereof) of repairing and replacing the rolling-stock used for working the railway, as the Commissioner considers fairly attributable to the working of the railway ;

but shall not include—

- (a) Amounts paid in respect of personal injuries suffered by passengers, employés of the Commissioner, or other persons on the railway, whether whilst travelling or not ;
- (b) The expenses of repairing or replacing rolling-stock damaged or destroyed on the railway otherwise than by ordinary wear and tear ; or
- (c) Amounts paid in respect of damages to property through fires caused by running trains on the railway :

Provided that in all cases the decision of the Commissioner upon the question whether any item is or is not a working expense in respect of the railway shall be final and conclusive for the purposes of this Act.

Credit balance in the
account to be carried
to the Railway
District Fund.

21. If in any year the earnings credited as aforesaid for that year, in the account by this Act required to be kept in respect of the railway, exceed the working expenses and interest for that year debited as aforesaid in such account, the difference shall be carried by the Commissioner to the credit of the fund constituted for the Railway District.

22. If

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22. If in any year the earnings credited as aforesaid for that year, in the account by this Act required to be kept in respect of the railway, are less than the working expenses and interest for that year debited as aforesaid in such account, the difference shall be debited in the account of the fund constituted for the Railway District. If after such debiting the said fund shows a debit balance, then—

How debit balance in the account to be borne.

- i. If such balance does not exceed the interest debited as aforesaid for that year, such balance shall be made good, in manner hereafter in this Act provided, by the Councils; and
- ii. If such balance exceeds the interest debited as aforesaid for that year, such balance shall, to an amount equal to such interest, be made good in manner aforesaid, by the Councils, and the remainder thereof shall be made good by the Commissioner.

23. Whenever under the provisions of section 22 a debit balance or part of a debit balance is to be made good by the Councils—

- i. Each Council shall, within one month after being requested so to do by the Commissioner, furnish him with a certificate under the hand of the chairman of the Council showing the assessed value of all the ratable property in its district which is included in the Railway District:

Commissioner to make requisitions.
- ii. For the purposes of this section, where ratable property included in the Railway District and other ratable property are assessed together by any of the Councils, the Council shall determine how much of the assessed value is in respect of the property so included; and if the Council fails to make such determination within the month mentioned in paragraph i. of this section the Commissioner may make such determination; and such determination of the Council or the Commissioner, as the case may be, shall, for the purposes of this section, be final and be regarded as part of the Council assessment for the time being in force:
- iii. The Commissioner shall apportion the amount to be made good by the Councils between such Councils in proportion to the assessed values, as shown by the various Council assessments for the time being in force, of the ratable property included in the Railway District which is situated in the districts of the several Councils, and shall accordingly charge the respective sums ascertained by such apportionment against the several Councils; and the Commissioner shall forward to the clerk of the district of each Council a requisition signed by the Commissioner for the sum so charged against such Council:

iv. Every

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iv. Every such requisition shall be published in the *Gazette*, which shall be conclusive evidence of the validity of the requisition, of the correctness of all amounts therein stated, and of the due performance of all conditions precedent thereto, and all conditions precedent to the declaring of a rate under the provisions hereinafter contained.

Council to declare rate.

24. Upon any such requisition being forwarded to the clerk of a district, the Council thereof shall forthwith declare a rate sufficient to produce the sum required by the requisition.

Railway rate, how to be declared.

25. Such rate shall be called a railway rate, and shall be declared, in accordance with the assessment then in force, on the ratable property included in the Railway District which is situated in the district of the Council.

Use or transcription of existing assessment-book.

26. For the purposes of such rate the Council may either use the assessment-book already existing or may transcribe the necessary portions thereof into a separate assessment-book, and may make such apportionment, or such separate and fresh assessment, as appears just in any case where only part of the property comprised in an assessment is included in the Railway District.

Railway rate to be entered in assessment-book.

27. (1) The railway rate when declared shall be entered in the assessment-book of the Council, and so that particulars, similar to those required in the case of other rates declared by the Council, shall be entered in a proper column opposite the names of the ratepayers liable to pay the railway rate, and the assessment-book shall at all times show a complete record of the moneys due for such rate in respect of every assessed property.

(2) The Council may make such additions to or alterations in the form of the assessment-book used for the railway rate as it deems expedient for carrying out the purposes of this Act.

Notice of railway rate.

28. Within fourteen days after declaring any railway rate the Council shall cause notice to be given in the *Gazette*, and in a newspaper (if any) generally circulating in its district, of the nature and amount of the rate. Such notice shall be in the form in the Third Schedule, or in a form to the like effect.

If amount of requisition not paid within two years Commissioner may publish notice.

29. Unless the amount of the requisition upon a Council is fully paid to the Commissioner within two years from the publication of such requisition in the *Gazette*, as provided by section 23, the Commissioner may publish in the *Gazette* a notice in the form No. 1 in the Fourth Schedule, or in a form to the like effect; or, if the rate has not been declared, he may declare such rate by a notice published as aforesaid, and in the form No. 2 in the said Schedule, or in a form to the like effect.

Transfer to Commissioner of Council's rights for recovery of rate.

30. Upon the publication of a notice under section 29 all the rights and powers of the Council in reference to the recovery of rates

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rates, and for the letting or sale of land for non-payment of rates, shall, as regards the railway rate or rates mentioned in or declared by such notice, be transferred to and become vested in the Commissioner by virtue of such publication; and the Commissioner, or any person authorised by him in that behalf, may exercise any power and do any act which could before such publication, or could, if the rate had been declared by the Council, have been exercised or done in reference to the recovery of any such rates by the Council or by any district clerk, collector, receiver, or other officer of, or person acting under the authority of, the Council.

31. If any railway rate does not within one year from its declaration produce the required sum, the Council shall from time to time declare another railway rate or other railway rates until the required sum is produced; and all the provisions of this Act with regard to a rate declared or to be declared under section 24 or declared under section 29 shall, so far as applicable, apply to every rate declared or to be declared under this section.

Supplementary railway rates.

32. If any railway rate produces more money than is required for its purpose, the surplus shall be held by the Council as a fund applicable towards meeting any requisition thereafter made by the Commissioner upon such Council under this Act, and so much thereof as is not required for that purpose within five years from the declaration of the rate shall be applied from time to time towards payment of any Council rate due in respect of the ratable property on which the railway rate has been paid.

Application of surplus of railway rate.

33. All the provisions of the District Councils Act, so far as the same relate to rates declared, or to be declared, under such Act and the recovery thereof (except as to limitations of the amounts of such rates) shall, subject to the provisions of this Act and so far as applicable, apply to railway rates declared, or to be declared, under this Act.

Application of District Councils Act to railway rates.

34. The *Gazette* containing a notice of the declaring of a railway rate in the form in the Third Schedule, or in a form to the like effect, or in the form No. 2 in the Fourth Schedule, or in a form to the like effect, shall be evidence, and, except on proceedings to quash such rate, shall be conclusive evidence that the rate has been duly declared, and of the amount thereof, and the correctness of such amount.

Gazette evidence of railway rate.

35. The moneys received in respect of a railway rate shall, up to the amount for which the Commissioner has made a requisition or requisitions, be paid to him by the Council, and shall be carried by him to the credit of the fund constituted for the Railway District.

Payment of railway rate to Commissioner.

36. If the total of the earnings credited for any period of ten consecutive years, as provided by section 19, in the accounts by this

When guarantee provisions to end.

Act

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Act required to be kept in respect of the railway, is not less than the total of the working expenses and interest debited for the same period, as provided by section 20, in such accounts, the Commissioner shall, as soon as practicable after the termination of such period, by notice published in the *Gazette*, declare that the fund constituted for the Railway District is closed ; and thereupon—

- (a) The Treasurer shall transfer the amount standing to the credit of the said fund to the credit of the revenue of the South Australian Railways generally, and
- (b) The provisions of sections 17 to 36, both inclusive, of this Act shall cease to apply to, and shall not again come into force with respect to, the railway and the Railway District.

Gazette to be evidence of statements, &c.

37. The *Gazette* containing any order, statement, notice, requisition, or other publication made or given by the Governor or the Commissioner under this Act shall be conclusive evidence of the fact, tenor, and validity of such order, statement, notice, requisition, or other publication, and of the facts stated, recited, or assumed therein ; and no such order, statement, notice, requisition, or other publication shall be invalid by reason of any thing required as preliminary thereto not having been duly done.

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

DAY H. BOSANQUET, Governor.

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SCHEDULES.

THE FIRST SCHEDULE.

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

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.

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.”

All Acts amending or substituted for any of the said Acts and all Acts amending any such substituted Act.

THE SECOND SCHEDULE.

THE ROBERTSTOWN RAILWAY.

I, [name of Returning Officer], hereby certify that a poll taken on the day Sec. 12. of 19 , in the District of on the question whether the railway authorised by “The Robertstown Railway Act, 1911,” should be constructed, resulted as follows:—

Number of votes in approval of the railway being constructed

Number of votes in objection thereto

Number of informal votes

Total number of votes

Dated this day of 19 .

[Signature] Returning Officer.

THE

The Robertstown Railway Act.—1911.

Sec. 28.

THE THIRD SCHEDULE.

THE ROBERTSTOWN RAILWAY DISTRICT.

Notice of Railway Rate.

At a meeting of the District Council of _____, duly held on the _____ day of _____, 19____, a railway rate was declared of _____ in the pound upon the assessment of that part of the District of _____ which is included in the Robertstown Railway District; and all persons liable are required to pay the amount of the said rate, according to the assessment, to the District Clerk (*or Collector or other officer*) at the district office.

Dated this _____ day of _____, 19____.

[Signed] A. B.,
Chairman of the District Council (*or District Clerk*).

Sec. 29.

THE FOURTH SCHEDULE.

FORM No. 1.

THE ROBERTSTOWN RAILWAY DISTRICT.

District of

Notice is hereby given that all moneys unpaid in respect of the railway rate (*or rates*) declared by the District Council of _____ on the _____ day of _____ 19____, [*if more than one rate add date of declaration of every other rate*] are to be paid to the South Australian Railways Commissioner.

Dated this _____ day of _____ 19____.

[Signature]
The South Australian Railways Commissioner.

Sec. 29.

FORM No. 2.

THE ROBERTSTOWN RAILWAY DISTRICT.

Notice of Railway Rate declared by Railways Commissioner.

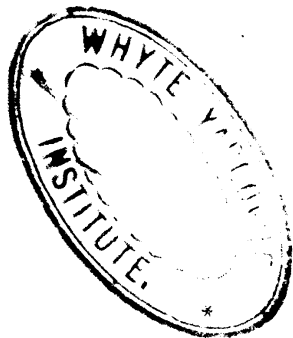
Notice is hereby given that on the _____ day of _____ 19____, the South Australian Railways Commissioner, pursuant to "The Robertstown Railway Act, 1911," forwarded to the clerk of the District of _____ a requisition for the sum of _____ and that the Council of the said District not having declared a railway rate to produce the said sum as required by the said Act, the said Commissioner, in exercise of his powers in that behalf under the said Act, hereby declares a railway rate of _____ in the pound upon the assessment of that part of the District of _____ which is included in the Robertstown Railway District; and all persons liable are required to pay the amount of the said rate, according to the assessment, to the South Australian Railways Commissioner.

Dated this _____ day of _____ 19____.

[Signature]
The South Australian Railways Commissioner.

THE FIFTH SCHEDULE.

[PLAN.]



PLAN