



ANNO OCTAVO

GEORGII V REGIS.

A.D. 1917.

No. 1288.

An Act to abolish existing Guarantees in respect of certain Railways and to enable Local Rates to be charged in lieu thereof, and for other purposes.

[Assented to, November 8th, 1917.]

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 "Railways Guarantees Abolition Act, 1917." Short title.

2. This Act is incorporated with the Guaranteed Railways Acts, and each of those Acts and this Act shall be read as one Act. Incorporation with other Acts.

3. In this Act—

"Local rates" means fares, tolls, charges, and rates for the carriage of goods, stock, minerals, mails, parcels, and passengers on any of the railways constructed pursuant to the Guaranteed Railways Acts, calculated as though the said railway was separate and detached from all other lines of railway, no reduction being made in the fares, tolls, charges, and rates by reason of the fact that the goods, stock, minerals, mails, parcels, and passengers are carried on any other line of railway as well as on the said railway ; and Interpretation.

"The Guaranteed Railways Acts" means—

- (a) the Goodwood to Willunga Railway Act, 1910 ;
- (b) the Robertstown Railway Acts, 1911 and 1912 ;
- (c) the Riverton to Spalding Railway Act, 1913 ; and
- (d) the Guaranteed Railways Acts Amendment Act, 1913.

Railways Guarantee Abolition Act.—1917.

Abolition of existing guarantees on railways.

4. Notwithstanding the provisions of the Guaranteed Railways Acts, the Funds respectively constituted pursuant to those Acts are hereby closed ; and

- (a) the Treasurer shall transfer the total amounts at the time of the passing of this Act respectively standing to the credit of the said Funds to the credit of the Revenue of the South Australian Railways generally ; and
- (b) the provisions of the sections of Acts referred to in the Schedule hereto shall cease to apply to, and shall not again come into force with respect to, the railways respectively constructed under, or the Railway Districts respectively constituted by, the Guaranteed Railways Acts.

Liability under guarantees arising prior to passing of Act not to be enforced.

5. Notwithstanding the provisions of the Guaranteed Railways Acts, no Council shall be required to make good any debit balance at any time before the passing of this Act shown by any Fund constituted pursuant to any of the said Acts, and no rate shall be imposed, either by any of the Councils or by the Commissioner, to produce the sum required by any requisition made upon such Council prior to the passing of this Act.

Power to impose local rates in lieu of guarantee.

6. Until the Commissioner has made a declaration as provided by section 8 of this Act, with respect to the particular railway, and such declaration has been published in the *Gazette*, the Commissioner shall demand for the carriage of goods, stock, minerals, mails, parcels, and passengers on each of the railways constructed pursuant to the Guaranteed Railways Acts, local rates, in lieu of the fares, tolls, charges and rates which would be payable if not for this section.

Separate account for each of the guaranteed railways for purposes of Act.

7. (1) Until the Commissioner has made a declaration as provided by section 8 of this Act, in lieu of the accounts respectively required to be kept by virtue of the provisions of the Guaranteed Railways Acts for the purposes of the special financial provisions of those Acts, an account shall be kept by the Commissioner in respect of each of the railways constructed pursuant to the Guaranteed Railways Acts (hereinafter referred to as "the Railway") for each year, and in such account the Commissioner shall—

- (a) credit all earnings in respect of the Railway or any part thereof ; and
- (b) debit the working expenses in connection with the Railway and interest at the rate of Four Pounds 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

Railways Guarantee Abolition Act.—1917.

- ii. the expenses of maintaining the Railway, and the works and conveniences connected with or for the purposes of the Railway ;
- iii. such proportion of the expenses of maintaining and of repairing and replacing the rolling-stock used for working the Railway as the Commissioner considers fairly attributable to the working of the Railway ;
- iv. amounts paid in respect of personal injuries suffered by passengers, employees of the Commissioner, or other persons, on the Railway, whether whilst travelling or not ;
- v. the expenses of repairing or replacing rolling-stock damaged or destroyed on the Railway otherwise than by ordinary wear and tear ; and
- vi. 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.

(3) 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.

(4) 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.

8. If—

- (a) the total of the earnings credited, as provided by section 7 of this Act, for any period of three consecutive years, in the accounts by this Act required to be kept in respect of the Railway, is not less than the total of the working expenses and interest debited, as provided by that section, for the same period in such accounts, and
- (b) it appears to the Commissioner that the total of such earnings, notwithstanding that local rates are not demanded in respect of the Railway, is likely to continue in the future to be not less in the aggregate than the total of such working expenses and interest,

the Commissioner shall make a declaration to that effect, and such declaration shall be published in the *Gazette*, and thereafter local rates shall not be demanded as required by section 6 of this Act.

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

H. L. GALWAY, Governor.

THE

Railways Guarantee Abolition Act.—1917.

Section 4 (b).

THE SCHEDULE.

Number of Act.	Short title of Act.	Sections not to apply.
No. 1017 of 1910	The Goodwood to Willunga Railway Act, 1910.	Sections 18 to 37 inclusive
No. 1070 of 1911	The Robertstown Railway Act, 1911	Sections 17 to 36 inclusive
No. 1081 of 1912	The Robertstown Railway Act Amendment Act, 1912	Section 7
No. 1113 of 1913	The Guaranteed Railways Act Amendment Act, 1913	Section 6
No. 1129 of 1913	The Riverton to Spalding Railway Act, 1913	Sections 18 to 37 inclusive