



ANNO DECIMO QUARTO

**GEORGII VI REGIS.**

A.D. 1950.

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**No. 54 of 1950.**

An Act relating to the route of that part of the Port Augusta-Alice Springs railway which lies between Stirling North and Brachina.

[Assented to 7th December, 1950.]

WHEREAS by the Agreement set out in the Railway Standardization Act, 1949, it is provided, among other things, that the Commonwealth shall undertake the conversion to standard gauge of the 3ft. 6in. gauge lines of the Commonwealth Railways from Port Augusta to Alice Springs :

AND WHEREAS since the said Act was assented to a question has arisen as to the most suitable route for that part of the proposed standard gauge railway line which will lie between Stirling North and Brachina :

AND WHEREAS the Commonwealth and the State have agreed that the said question shall be referred to a Royal Commission appointed by an instrument in the form set out in the Schedule to this Act, and that the recommendation of the Commission shall be accepted by the Commonwealth and the State :

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

Short title.

1. This Act may be cited as the "Northern Railway (Alteration of Route) Act, 1950".

Interpretation.

2. In this Act—

"the Agreement" means the Agreement set out in the Railways Standardization Agreement Act, 1949 :

“the Commission” means a Royal Commission appointed by the Governor-General of the Commonwealth by an instrument in the form set out in the schedule to this Act.

3. The recommendations of the Commission on the question referred to it shall be binding upon the State, and the construction of a standard gauge line of railway between Stirling North and Brachina on the route recommended by the Commission shall be deemed to be a discharge of the obligation of the Commonwealth under the Agreement to convert to standard gauge that part of the Port Augusta to Alice Springs railway which lies between Stirling North and Brachina.

Effect of  
recommendations of the  
Commission.

4. The State hereby consents to the construction of the railway between Stirling North and Brachina on such route as may be recommended by the Commission.

Consent to  
railway  
recommended  
by the  
Commission.

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

C. W. M. NORRIE, Governor.

## THE SCHEDULE.

## COMMONWEALTH OF AUSTRALIA.

GEORGE THE SIXTH, by the Grace of God of the United Kingdom of Great Britain, Ireland, and of the British Dominions beyond the Seas, King, Defender of the Faith,

To our trusty and well-beloved—

[Here the names of the Commissioners shall be inserted, who shall be—

- (a) a Judge of the Supreme Court of a State other than South Australia :
- (b) a person nominated by the Government of the Commonwealth :
- (c) a person nominated by the Government of South Australia.]

## GREETING :

WHEREAS the Constitution of the Commonwealth of Australia provides that the Parliament shall, subject to the Constitution, have power to make laws for peace order and good government of the Commonwealth with respect to, *inter alia*, the acquisition with the consent of a State of any railways of the State on terms arranged between the Commonwealth and the State :

AND WHEREAS the railway from Port Augusta to Oodnadatta in the State of South Australia pursuant to the Northern Territory Acceptance Act 1910-1919 was with the consent of the State of South Australia acquired by the Commonwealth on terms arranged between the Commonwealth and the State :

AND WHEREAS by the Railway Standardization (South Australia) Agreement Act 1949 it is provided in clause 21 (a) of the formal agreement contained in the schedule to the said Act that the Commonwealth shall undertake the conversion to standard gauge of the 3ft. 6in. gauge lines of the Commonwealth Railways from Port Augusta to Alice Springs, the conversion to standard gauge of existing locomotives and rolling stock suitable for conversion, and the construction of standard gauge locomotives and rolling stock to the extent necessary to replace the existing capacity of all units unsuitable for conversion to standard gauge :

AND WHEREAS the Constitution further provides that the Parliament shall, subject to the Constitution, have power to make laws for the peace order and good government of the Commonwealth with respect to railway construction and extension in any State with the consent of that State :

AND WHEREAS since the Railways Standardization (South Australia) Agreement Act, 1949, was assented to the question has been raised whether in converting the Port Augusta to Alice Springs railway to standard gauge an alteration should be made in the route of that part of the said railway which lies between Stirling North and Brachina.

KNOW YE that We do by these Letters Patent, issued in Our name by Our Governor-General of Our Commonwealth of Australia, acting with the advice of Our Federal Executive Council, and in pursuance of the Constitution of Our said Commonwealth, the Royal Commission Act 1902-1933, and all other powers him thereunto enabling, appoint you to be Commissioners, and, notwithstanding any provision contained in the Railways Standardization (South Australia) Agreement Act No. 83 of 1949, to examine, inquire into and report upon the question as to which of the routes referred to in the Schedule as the "B2" route and the "C" route is most suitable for the construction of a 4ft. 8½in. gauge railway between Stirling North and Brachina having regard to the following matters :—

- (a) The proposed conversion to standard gauge of the Port Augusta to Alice Springs Railway :
- (b) The cost of construction and maintenance of the respective routes :
- (c) The comparative economics of operating the railway over the respective routes :
- (d) The efficiency of operation of the Commonwealth and State Railways :
- (e) The interests of the local inhabitants who are or will be served by railways on the respective routes :
- (f) The economic interests of the Commonwealth and the State as a whole :
- (g) The other advantages and disadvantages of the respective routes :
- (h) The probability of an increase in the annual tonnage of coal hauled from Leigh Creek coalfield (taking into account future expansions of electricity undertakings and of industry generally) and the consequential financial results on the cost of constructing and operating railways on the respective routes.

Regard need not be had to any break-of-gauge station required at the northern terminus of the 4ft. 8½in. gauge line, as whichever route is adopted it will be necessary to have such a break-of-gauge station.

And We appoint you the said.....to be Chairman of the said Commissioners and as such to have a deliberative, and, in the event of an equality of votes, a casting vote in all matters considered by the Commission :

And We direct that, for the purpose of inquiring into and taking evidence upon any matter entrusted to you Our said Commissioners any two of you Our said Commissioners shall be sufficient to form a quorum and may proceed with the inquiry under these Our Letters Patent :

And We require you with as little delay as possible to report to our Governor-General in and over Our said Commonwealth the result of your inquiries into the matters entrusted to you by these Our Letters Patent.

SCHEDULE.

1. The proposal referred to as " B2 " route in the report of the South Australian Railways Commissioner dated the 13th day of July one thousand nine hundred and fifty addressed to the Honourable the Minister for Railways, South Australia.

2. The proposal referred to as " C " route in the report of the Commonwealth Railways Commissioner dated the 15th day of December one thousand nine hundred and forty-nine addressed to the Honourable the Minister for the Interior.

WITNESS, etc.

GOVERNOR-GENERAL.

By His Excellency's Command.