

RAILWAY EQUIPMENT AGREEMENT (SOUTH AUSTRALIA).

No. 98 of 1961.

An Act relating to an Agreement between the Commonwealth and the State of South Australia with respect to certain Railway Equipment.

[Assented to 30th October, 1961.]

BE it enacted by the Queen's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

1. This Act may be cited as the *Railway Equipment Agreement (South Australia) Act 1961*. Short title.

2. This Act shall come into operation on the day on which it receives the Royal Assent. Commence-
ment.

3. The agreement a copy of which is set out in the Schedule to this Act is approved. Approval of
agreement.

4. Moneys appropriated by the Parliament for the purposes of the agreement referred to in the last preceding section may be paid to the State of South Australia by way of financial assistance on the terms and conditions contained in that agreement. Financial
assistance to the
State of South
Australia.

THE SCHEDULE.

Section 3.

AN AGREEMENT made the nineteenth day of October, 1961 BETWEEN THE COMMONWEALTH OF AUSTRALIA (in this agreement called "the Commonwealth") of the one part and the STATE OF SOUTH AUSTRALIA (in this agreement called "the State") of the other part:

WHEREAS the State wishes to improve the facilities for the carriage of ore on the railway from Broken Hill in the State of New South Wales to Port Pirie in the State of South Australia by the provision of twelve new diesel-electric locomotives and one hundred new ore wagons of narrow gauge:

AND WHEREAS it is agreed between the Commonwealth and the State that any expenditure on the acquisition of the said locomotives and wagons shall not be deemed to be an expenditure on a standardization work within the meaning of the Agreement made on the twentieth day of October, 1949, the execution of which was authorized by the Railway Standardization (South Australia) Agreement Act 1949 of the Commonwealth and approved by the Railway Standardization Agreement Act, 1949 of the State:

AND WHEREAS the State intends that the locomotives and wagons shall be constructed in such a way as to be readily convertible to standard gauge when the said railway is converted to standard gauge as provided for in the said Agreement:

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AND WHEREAS the State has sought financial assistance from the Commonwealth for the provision of such locomotives and wagons:

AND WHEREAS it is proposed that the Parliament of the Commonwealth be asked to grant financial assistance to the State under section 96 of the Constitution of the Commonwealth of Australia upon and subject to the terms and conditions set out in this agreement:

NOW IT IS HEREBY AGREED as follows:

Definitions.

1.—(1) In this agreement, subject to the context—

“ financial year ” means a period of twelve calendar months ending on the thirtieth day of June;

“ narrow gauge ” means a gauge of three feet six inches;

“ party ” means party to this agreement;

“ standard gauge ” means a gauge of four feet eight and one-half inches; and

“ the Minister ” means the Minister of State for Shipping and Transport of the Commonwealth.

(2.) Where in this agreement a Minister is referred to, that reference shall be deemed to include any member of the Federal Executive Council or the Executive Council of the State, as the case may be, for the time being acting for and on behalf of that Minister.

Approval of agreement.

2.—(1.) This agreement shall have no force or effect and shall not be binding upon either party until it is approved by the Parliament of the Commonwealth.

(2.) Each party agrees, so far as its power extends, to provide for and secure the carrying out of this agreement.

Assistance for locomotives and wagons.

3.—(1.) Subject to compliance by the State with the provisions of this agreement the Commonwealth will in accordance with and subject to the provisions of this agreement provide financial assistance to the State for the purpose of the acquisition by the State of twelve diesel-electric locomotives each of approximately 900 horsepower and one hundred ore wagons which will be capable of conversion to wagons of 55 tons capacity upon standardisation.

(2.) The total amount of financial assistance to be provided to the State by the Commonwealth under this agreement shall not exceed the expenditure by the State on the acquisition of the locomotives and wagons or one million three hundred and twenty-five thousand pounds (£1,325,000), whichever is the lesser.

Manner of construction of locomotives and wagons.

4.—(1.) The locomotives and wagons to be acquired by the State under clause 3 of this agreement shall be constructed for operation on narrow gauge track but in such manner as to facilitate their subsequent conversion for operation on standard gauge track.

(2.) The State agrees that, notwithstanding anything contained in the said agreement made the twenty-ninth day of October, 1949, it will bear the cost of subsequently converting the locomotives and wagons to standard gauge.

Provision of funds.

5.—(1.) The Commonwealth will, at the request of the State from time to time and subject to the provisions of this agreement, make payments to the State of amounts equal to expenditure made by the State on the acquisition of locomotives and wagons and such additional amounts as are, in the opinion of the Minister, reasonably required as a working advance to meet expenditure incurred or to be incurred.

(2.) The State shall not apply any payment or part thereof made to it by the Commonwealth under this agreement for any purpose other than that for which the payment was made.

(3.) The State shall not be entitled to receive payment from the Commonwealth in respect of any expenditure which, in the opinion of the Minister, has not been or will not be directly incurred in the acquisition of the locomotives and wagons.

Payments by the State.

6.—(1.) The State shall from its Consolidated Revenue pay to the Commonwealth an amount equal to three-tenths of the payments made by the Commonwealth to the State in each financial year under clause 5 of this agreement by fifty equal annual contributions commencing on the thirtieth day of June next following the end of that financial year, together with interest on so much of that amount as has not been paid at the beginning of the financial year in which the contribution is due, calculated from the beginning of that financial year.

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(2.) The rate of interest payable by the State under this clause shall be the rate payable on the long term loan last raised by the Commonwealth in Australia for public subscription prior to the end of the financial year in which the payments were made by the Commonwealth.

7. The State shall submit to the Minister not later than the thirtieth day of April in each year an estimate of the payments for which request will be made to the Commonwealth during the next succeeding financial year. **Estimates.**

8.—(1.) The State shall furnish to the Minister annually and at such other times as he may request a report and financial statement in connexion with expenditure by the State on the locomotives and wagons to be acquired by the State under this agreement. **Accounts and reports.**

(2.) Any statement of expenditure by the State forwarded to the Commonwealth in connexion with a request for a payment by the Commonwealth in accordance with clause 5 of this agreement shall, if so required by the Minister, be certified as to its correctness by the Auditor-General for the State.

9. The State shall from time to time on request by the Minister furnish to him such documents and other information as he may reasonably require for the purpose of the exercise by him of his powers and functions under this agreement. **Supply of information.**

10.—(1.) The accounts and records of the State and the financial statements furnished by it relating to expenditure on the acquisition of the locomotives and wagons under this agreement shall be subject to audit by the Auditor-General for the State. **Audit.**

(2.) At least once each year and on completion of expenditure by the State in relation to the acquisition of the locomotives and wagons, the State shall furnish to the Minister and to the Auditor-General for the Commonwealth a report by the Auditor-General for the State on the audit of the accounts, records and financial statements, and such report shall indicate, inter alia—

(a) whether the financial statements are based on proper accounts and records and are in agreement with those accounts and records; and

(b) whether the expenditure by the State of all moneys provided by the Commonwealth for the purposes of this agreement has been in accordance with this agreement,

and shall include reference to such other matters arising out of the audit and the financial statements as the Auditor-General for the State considers should be reported to the Commonwealth.

11. Any notice or other communication to be given hereunder by the Commonwealth or the Minister to the State shall be deemed sufficiently given if signed by or on behalf of the Minister and any notice or other communication to be given by the State to the Commonwealth shall be deemed sufficiently given if signed by or on behalf of the Minister of Railways of the State. **Notices.**

IN WITNESS WHEREOF the Prime Minister of the Commonwealth of Australia and the Premier of the State of South Australia have signed this agreement for and on behalf of the Commonwealth of Australia and the State of South Australia respectively.

SIGNED by the Prime Minister of the Commonwealth
of Australia for and on behalf of the said Commonwealth in the presence of— } ROBERT MENZIES

HUBERT OPPERMAN

SIGNED by the Premier of the State of South Australia
for and on behalf of the said State in the presence of— } T. PLAYFORD

G. F. SEAMAN