

Duties of  
Excise.

5. The duties of Excise specified in the Schedule to this Act are hereby imposed in accordance with that Schedule, as from the date of the imposition of those duties, and those duties shall be imposed on that date and shall be charged, collected and paid to the use of the King for the purposes of the Commonwealth on all goods dutiable under the Schedule to this Act and produced in Australia on and after that date.

Section 3.

### THE SCHEDULE.

#### AMENDMENT OF THE SCHEDULE TO THE PRINCIPAL ACT. EXCISE DUTIES.

Articles.	Rate of Duty.
20. By adding a new item 20 as follows :— " 20. Coal, not being coal the property of a State, as prescribed by Departmental By-laws . . . . . per ton	6d."

## RAILWAY STANDARDIZATION (SOUTH AUSTRALIA) AGREEMENT.

### No. 83 of 1949.

An Act to authorize the execution by or on behalf of the Commonwealth of an Agreement between the Commonwealth and the State of South Australia, in relation to the Standardization of certain Railways, to approve of the Raising of Loans for Defence Purposes (namely, the Standardization of those Railways), and for other purposes.

[Assented to 28th October, 1949.]

**B**E it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows :—

Short title.

1. This Act may be cited as the *Railway Standardization (South Australia) Agreement Act 1949*.

Commencement.

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

Definitions.

3. In this Act, "the Agreement" means the Agreement the execution of which is authorized by this Act.

4.—(1.) The execution, by or on behalf of the Commonwealth, of an agreement between the Commonwealth of Australia and the State of South Australia substantially in accordance with the form contained in the Schedule to this Act is hereby authorized.

Execution of Agreement authorized.

(2.) The agreement so executed shall be deemed to have been approved by the Parliament of the Commonwealth.

5. Loans to the Commonwealth for defence purposes (namely, the standardization of railways in accordance with the Agreement) are approved.

Approval of loans for defence purposes.

## THE SCHEDULE.

Sec. 4.

### RAILWAYS STANDARDIZATION AGREEMENT (SOUTH AUSTRALIA.)

AGREEMENT made the \_\_\_\_\_ day of \_\_\_\_\_, One thousand nine hundred and \_\_\_\_\_ between the COMMONWEALTH OF AUSTRALIA of the first part and the STATE OF SOUTH AUSTRALIA of the second part :

WHEREAS there are differences between the gauges of the railway lines of the parties :

AND WHEREAS, in order to assist in the defence and development of Australia, to facilitate interstate trade and commerce and to secure maximum efficiency and economy in railway operation, it is desirable to secure a uniform track gauge throughout the railway systems in Australia :

AND WHEREAS it is desirable, as part of the process of securing such uniform track gauge throughout the railway systems in Australia, that the railways of the State of South Australia be converted to standard gauge :

NOW THIS AGREEMENT WITNESSETH AS FOLLOWS:—

#### PART.I.—PRELIMINARY.

1.—(1.) In this Agreement, unless the context otherwise requires—

Definitions.

“betterment” means the provision of capacity or equipment in excess of appropriate standards to be fixed under this Agreement and which, although not essential to or necessary for a standardization work, may conveniently or desirably be provided in conjunction with such work ;

“existing”, in relation to locomotives, rolling stock, or the capacity thereof, means existing at the time of the replacement or conversion of such locomotives or rolling stock ;

“party” means party to this Agreement ;

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

“standardization work” means any work and undertaking included in clauses 5 and 21 of this Agreement ;

“the Commonwealth” means the Commonwealth of Australia ;

“the Loan Fund” means the head of the Loan Fund of the Commonwealth styled “Standardization of Australian Railway Gauges” and specified in the Loan Acts under the authority whereof moneys are raised by the Commonwealth for the purposes of this Agreement ;

“the Minister” means the Commonwealth Minister of State for Transport ;

“the State” means the State of South Australia.

(2.) Where in this Agreement any Minister is referred to, that reference shall be deemed to include any Minister for the time being acting for or on behalf of that Minister or any Minister appointed in substitution for that Minister.

THE SCHEDULE—*continued.***Ratification 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 Parliaments of the Commonwealth and of the State.

(2.) Each party agrees to take every practicable step to have this Agreement approved by its Parliament without restrictions or amendments as soon as possible.

(3.) Each party, so far as its power extends, agrees to provide for and secure the execution and enforcement of this Agreement and of any legislation by which it is approved.

**Decision in default of agreement between the parties.**

3. Where a matter is required by this Agreement to be determined by agreement between the parties and the parties fail to reach agreement, the matter shall be decided by the Minister in agreement with the Minister of Railways of the State.

**Inspection.**

4. The State shall permit any person thereto authorized by the Minister to enter upon and inspect any standardization work being carried out by the State and to inspect any plans, designs, accounts, records or documents relating to any work specified in clause 5 of this Agreement.

## PART II.—WORKS FOR THE STANDARDIZATION OF RAILWAY GAUGES.

**Works to be executed.**

5. The State shall carry out or execute, in accordance with the terms and conditions of this Agreement, the following works and undertakings, namely:—

(a) Conversion to standard gauge of the entire South Australian 5' 3" gauge system and of the 3' 6" gauge lines of the South Eastern Division, 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.

(b) Conversion to standard gauge of the 3' 6" gauge lines of the Peterborough Division of the South Australian Railways, 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.

(c) The provision of terminal facilities rendered necessary by the conversion of any line specified in the foregoing provisions of this clause.

**Undertakings involved in or incidental to conversion.**

6. The works to be carried out or executed under the last preceding clause shall include the purchase, construction and/or conversion of land, railway lines, structures, buildings, workshops, plant, locomotives, rolling stock and all matters and things which are essential to the establishment and/or operation of standard gauge lines of railway over the sections and routes set out in the last preceding clause, but not including—

(a) operation or maintenance of railways, or

(b) betterments.

**Betterments, variation of types, and replacement of locomotives.**

7.—(1.) Betterments may be carried out in conjunction with the works specified in clause 5 of this Agreement.

(2.) The State may replace existing locomotives, rolling stock, or other assets, by locomotives, rolling stock or other assets of different types or kinds.

(3.) For the purpose of facilitating standardization of locomotive design and construction any locomotives provided to replace existing locomotives and having a capacity of not more than ten per centum in excess of the capacity of the existing locomotives, shall be deemed to be of equal capacity to the existing locomotives and such excess capacity shall not be regarded as betterment.

**Consent by the State to construction of railways by Commonwealth. Order of works.**

8. The State hereby consents to the carrying out by the Commonwealth of any works which the Commonwealth is under this Agreement required to carry out in the conversion of its own railways within the territory of that State.

9.—(1.) Any question arising as to the order in which the standardization works shall be carried out shall be determined by agreement between the parties.

(2.) Any question arising as to the time at which any standardization works shall be commenced by any party shall be determined by agreement between the parties.

**Standards, plans and designs.**

10.—(1.) The parties or their nominees shall, in collaboration and agreement with each other, establish and publish common standards of design and construction in all matters and things essential to the establishment of standard gauge railways and to the safe and efficient operation of interchange traffic including locomotives and all classes of rolling stock over the unified railways of Australia.

THE SCHEDULE—*continued.*

(2.) Each party shall—

- (a) prepare all preliminary plans and final designs and estimates for all works to be carried out by it pursuant to this Agreement; and
- (b) incorporate in all such plans, designs and estimates the standards of design and construction established under this Agreement.

11. A party shall not incur any expenditure debitable under this Agreement to the Loan Fund until the Minister has given the party written authority to incur that expenditure. Commencement and execution of works.

12. The value of the whole or part of any asset owned by the State which is replaced by a new asset at the cost of the Loan Fund shall be determined from time to time by agreement between the parties and credited to the Loan Fund; Disposal of replaced assets.

Provided that this clause shall not require the credit to the Loan Fund of the value of any locomotives and rolling stock unsuitable for conversion to standard gauge and retained by the State for use on its own system.

13. New locomotives and rolling stock, the cost of which is borne as provided in clause 14 of this Agreement, shall be the property of the State of South Australia. Ownership of new locomotives and rolling stock.

PART III.—FINANCE.

14.—(1.) Seven-tenths of the cost of the standardization works set out in clause 5 of this Agreement shall be borne by the Commonwealth and three-tenths of such cost shall be borne by the State. Liability for cost of works.

(2.) For the purposes of this clause the cost of any work shall be deemed to include the administrative expenses necessary or incidental to the carrying out of that work, and such expenses shall be apportioned between the parties in the manner specified in this clause in respect of that work.

15. The cost of any betterment, and any increased cost caused by any replacement of the kind mentioned in sub-clause (2.) of clause 7 of this Agreement, shall not be debited to the Loan Fund but shall be borne by the State concerned. Cost of betterment and certain replacements.

16.—(1.) The Commonwealth shall provide all funds required to carry out the standardization work specified in this Agreement. Provision of funds and State contributions.

(2.) The State shall, in respect of so much of the expenditure by the Commonwealth under clause 14 of this Agreement in any financial year (in this clause called the year of expenditure) as is to be borne by the State, pay to the Commonwealth from revenue during the period of fifty years after the year of expenditure, equal annual contributions of such amounts as will liquidate the expenditure so to be borne by the State together with interest on the amount of that expenditure outstanding at the end of each financial year.

For this purpose the rate of interest shall be the rate of interest which is paid by the Commonwealth on the loan from which the expenditure was financed.

(3.) From each annual contribution to be made by the State calculated in accordance with sub-clause (2.) of this clause there shall be deducted an amount equivalent to Five shillings per centum of so much of the cost of standardization works incurred by the Commonwealth under this Agreement in the year of expenditure as is pursuant to clause 14 of this Agreement to be borne by the State.

17.—(1.) Moneys provided by the Commonwealth from the Loan Fund shall be used for— Payments from Loan Fund.

- (a) meeting all expenditure incurred in carrying out the standardization works;
- (b) making refunds to the State of any expenditure incurred by it before the execution of this Agreement in planning or preparing for the standardization works or in carrying out any work which the parties agree to treat as a standardization work; and
- (c) any damages, compensation or other expense arising out of or incidental to the execution of a standardization work.

(2.) No payment shall be made out of the Loan Fund except on the written authority of the Minister.

18. Each party shall prepare annual budgets of all estimated expenditure under this Agreement. Annual budgets.

19. All accounts in connexion with the standardization works shall be subject to audit by the Auditor-General for the Commonwealth. Audit.

THE SCHEDULE—*continued.*Accounts  
and records.

20. Each party shall—

- (a) keep full accounts and records of all financial transactions, work done and stores bought, used or disposed of, in connexion with the standardization works; and shall furnish to the Minister periodical reports and such details as he requires; and
- (b) permit the Auditor-General for the Commonwealth or of the State to inspect such accounts and records.

## PART IV.—SUPPLEMENTARY PROVISIONS.

Works to be  
undertaken  
by the  
Commonwealth,

21. The Commonwealth shall undertake—

- (a) the conversion to standard gauge of the 3' 6" 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;
- (b) the construction of a new standard gauge railway from Alice Springs to Birdum and the construction of the standard gauge locomotives and rolling stock necessary to operate this line; and
- (c) the conversion to standard gauge of the 3' 6" gauge Commonwealth Railway line from Birdum to Darwin, 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.

Cost of works  
undertaken  
by the  
Commonwealth.

22. The Commonwealth shall bear the cost of carrying out the works specified in the last preceding clause.

Acquisition and  
conversion of  
the Silverton  
Tramway.

23. The Commonwealth shall take all reasonable steps to ensure that the Silverton Tramway and the locomotives and rolling stock thereon shall be acquired and vested in The South Australian Railways Commissioner.

## COAL INDUSTRY (TASMANIA).

No. 84 of 1949.

An Act to provide means for Securing and Maintaining adequate Supplies of Coal to assist in meeting the need for that commodity throughout Australia and for providing for the Regulation and Improvement of the Coal Industry in the State of Tasmania, and for other purposes.

[Assented to 28th October, 1949.]

Preamble.

WHEREAS it has been agreed between the Governments of the Commonwealth of Australia and of the State of Tasmania that they shall take measures for securing and maintaining supplies of coal to assist in meeting the need for that commodity throughout Australia and in trade with other countries, and for providing for the regulation and improvement of the Coal Industry in the State of Tasmania and for other matters relating to the production, supply and distribution of coal: