

THE GREAT WESTERN RAILWAY ACT OF 1910.

(1 Geo. V. No. 11.)

AS AMENDED BY

The Great Western Railway Act Amendment Act of 1913 (4 Geo. V. No. 17).

The Railways Act Amendment Act of 1915 (6 Geo. V. No. 28).

An Act to Authorise the Construction of a Railway across Western Queensland, and connecting with the existing Southern, Central, and Northern Railways, being 1,282 miles in length or thereabouts, to delineate the Route of the said Railway, to define certain Railway Districts for the said Railway, and to authorise the immediate acquirement by the State of the Hampden-Mount Elliott Railway, and Make Provision for other Matters incidental thereto.

[Assented to 21st December, 1910.]

1. Short title.—This Act may be cited as “*The Great Western Railway Act of 1910.*”

2. Construction of Great Western Railway approved.—The construction of the Great Western Railway is hereby approved, and, notwithstanding anything contained in “*The Railway Acts, 1863 to 1906,*” the Commissioner is hereby authorised and directed to prepare the plans and thereupon forthwith proceed with the construction of the said Railway.

The said Railway shall consist of four Sections, namely—

Section A—Commencing at a point near Wallal, on the South-Western Railway, and proceeding in a south-westerly direction to Gumbo-Gumbo Creek, near Tobermory, and thence proceeding in a north-westerly direction to a point near Kyabra Holding, on the northern boundary of the Railway District constituted for Section A as hereinafter provided, by a route delineated in the First Schedule to this Act, being a total length of two hundred and forty-five miles or thereabouts;

Section B—Commencing at Blackall, on the Central Railway, and proceeding in a south-westerly direction to a point near the junction of Kyabra Creek and Cooper’s Creek, and near Windorah, and thence southerly to a junction at the northern terminal point of Section A; commencing again at the point near Windorah above mentioned, and proceeding in a north-westerly direction to a point on Farrar’s Creek, near Palparara Holding, on the northern boundary of the Railway District constituted for Section B as hereinafter provided, by a route delineated in the First Schedule to this Act, being a total length of three hundred and forty-eight miles or thereabouts;

Section C—Commencing at Winton, on the Northern Railway, and proceeding in a south-westerly direction to a point on Spring Creek, near Springvale, and thence southerly to a junction at the northern terminal point of Section B; commencing again at the point near Springvale above mentioned, and proceeding in a north-westerly direction to a point near Boulia, on the northern boundary of the Railway District constituted for Section C as hereinafter provided, by a route delineated in the First Schedule to this Act, being a total length of three hundred and sixty-one miles or thereabouts;

Section D—Commencing at Malbon, on the Cloncurry to Mount Elliott Railway, and proceeding in a south-westerly direction to a point near Sulieman's Creek, and thence south-easterly to a junction at the northern terminal point of Section C; commencing again at the point near Sulieman's Creek above mentioned, and proceeding in a north-westerly direction to near Camooweal, by a route delineated in the First Schedule to this Act, being a total length of construction of three hundred and twenty-eight miles or thereabouts:

Provided that it shall be lawful for the Commissioner, if and when he thinks it necessary so to do, to deviate the Railway to a distance not exceeding [fifty miles] on either side of the route as delineated in the First Schedule to this Act.

The words in square brackets were substituted for "twenty-five miles" by The Great Western Railway Act Amendment Act of 1913, s. 2, *post*.

The Railways Acts, 1863 to 1906, have been replaced by The Railways Act of 1914, *post*.

[3. *Rep. by The Railways Act Amendment Act of 1915, s. 25, post.*]

4. Application of Railways Acts.—"The Railways Acts, 1863 to 1906," shall, save as is herein otherwise provided, apply to the Great Western Railway constructed or acquired within the aforesaid Railway Districts.

The Railways Acts, 1863 to 1906, have been replaced by The Railways Act of 1914, *post*.

[5. *Rep. by The Railways Act Amendment Act of 1915, s. 25, post.*]

6. Directions as to construction.—The construction of the Great Western Railway shall be commenced as nearly as may be simultaneously at Wallal, Blackall, Winton, and Malbon, and shall be continued from those places without interruption until the said Railway is completed.

7. Part of Richmond to Cloncurry Railway made part of Section D.—(1.) The Julia Creek to Cloncurry Railway, being the Second Section of the Richmond to Cloncurry Railway, shall be and be deemed for all purposes to be part of Section D of the Great Western Railway authorised by this Act to be constructed, and shall be worked and managed in connection therewith.

[(2.). (3.) *Rep. by The Railways Act Amendment Act of 1915, s. 25, post.*]

Great Western Railway Act of 1910. ss. 8-10, Sch. II.

8. Power to entirely take over Hampden-Mount Elliott Railway.—

(1.) The Commissioner is hereby empowered, for and on behalf of the State of Queensland, to enter into a contract with the Cloncurry Smelting and Railway Company, Limited, or its successors in interest (herein referred to as "the Company"), for the immediate acquirement by the Commissioner from the Company of all the interest of the Company in the Hampden-Mount Elliott Railway, constructed under the authority of "*The Hampden-Mount Elliott Railway Act of 1908*," and in the Agreement set forth in the Schedule thereto. The sole consideration for the said contract shall be the repayment by the Commissioner to the Company and the acceptance by the Company of the sum of ninety-three thousand nine hundred and ten pounds, being the total amount of the sums deposited with the Commissioner by the Company under the said Agreement, and, in addition, a sum by way of simple interest thereon calculated at the rate of three pounds fifteen shillings per centum per annum during the respective periods for which the sums so deposited as aforesaid have been held by the Commissioner.

Such amount when received by the Company shall be received and accepted in full satisfaction of all rights, claims, and demands by the Company on account of the said Railway, and the Commissioner and the Government of Queensland shall be released and discharged from all liability or obligation to the Company under the said Act or the said Agreement or any matter or thing arising thereunder.

The Company is hereby empowered and authorised, notwithstanding anything contained in the said last-mentioned Act or in its Memorandum or Articles of Association, to enter into the said contract. The said contract may contain such terms, conditions, and stipulations relating to the premises as may be mutually agreed upon by and between the Company and the Commissioner and approved by the Governor in Council.

(2.) Upon the completion of the said contract, the said Railway shall be and be deemed for all purposes to be part of Section D of the Great Western Railway authorised by this Act to be constructed, and shall be worked and managed in connection therewith.

[(3.) *Rep. by The Railways Act Amendment Act of 1915, s. 25, post.*]

(4.) From and after the completion of the said contract, "*The Hampden-Mount Elliott Railway Act of 1908*" shall be repealed, and the Agreement set forth in the Schedule thereto shall cease to have any force or effect whatsoever.

[9. *Rep. by The Railways Act Amendment Act of 1915, s. 25, post.*]

10. Annual report to Parliament.—The Commissioner shall make an annual report to Parliament with respect to the progress of the works authorised by this Act to be constructed.

SCHEDULE II.

[*Repealed by The Railways Act Amendment Act of 1915, s. 25, post. The repealed Schedule had been amended by The Great Western Railway Act Amendment Act of 1913, s. 3 (since repealed).*]