

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

RICHD. A. ARNOLD,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 9 October, 1913, A.M.*

New South Wales.



ANNO QUARTO

GEORGI V REGIS.

Act No. , 1913.

An Act to ratify and provide for carrying out an agreement entered into between the Premiers of New South Wales and Victoria respecting the construction of bridges across the river Murray, near the towns of Euston and Wentworth, and the construction and use of certain lines of railway and works in connection therewith; to render available for settlement lands in the vicinity of such lines of railway; and for purposes consequent thereon or incidental thereto.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Border Railways (Euston and Wentworth).

1. (1) This Act may be cited as "Border Railways (Euston and Wentworth) Act, 1913." Short title and commencement.

This Act shall commence and come into force on a day to be fixed by proclamation of the Governor published in the Gazette.

(2) This Act shall bind the Crown. Act binds Crown.

2. In this Act, unless the context indicates another meaning— Definitions.

10 "The agreement" means the agreement set out in the Schedule to this Act.

"Victoria" means the State of Victoria.

3. For the purposes of any work which by the agreement is to be constructed by the Government of Victoria— Provisions where work is constructed by Government of Victoria.

15 (a) the Governor may, on the request and at the expense of the Government of Victoria, purchase, resume, or appropriate land, and transfer such land to and vest the same in such person as may be appointed in that behalf by the said Government. Such purchase, resumption, and appropriation shall be under the Public Works Act, 1912; and the said Act shall apply thereto. For that purpose any such work shall be an authorised work;

20 (b) Any person may sell and convey or release to the Government of Victoria, or any person authorised by it in that behalf, any estate or interest in any lands, and the provisions of Division 2 of Part VI of the Public Works Act, 1912, shall apply to such sale, conveyance, and release as if the said Government or person aforesaid were a Constructing Authority.

25 (c) The Government of Victoria, or any person authorised by it in that behalf, shall have the like powers and duties as are conferred and imposed on a Constructing Authority by Division 6 of Part VI of the Public Works Act, 1912, in relation to any authorised work; and the provisions of the said Division shall, 61
30 mutatis mutandis, apply in relation to the construction of such work by the Government of Victoria. **4.**

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4. (1) The Railway Commissioners of Victoria shall have charge and control of any lines of railway and of the traffic thereon and of any buildings used in connection therewith which are the subject of the agreement and are situated within New South Wales.

Powers of
Railway Com-
missioners of
Victoria over
railways and
traffic.

(2) For the purpose of giving effect to the above provision the said Commissioners may impose and collect fares, rates, and other charges for the conveyance of passengers and for the carriage of animals, goods, and parcels.

SCHEDULE.

- 15 AN AGREEMENT made and entered into this twenty-third day of September one thousand nine hundred and thirteen between The Honorable William A. Holman of the State of New South Wales of the one part and The Honorable William Alexander Watt of the State of Victoria of the other part.
- 20 WHEREAS it has been agreed between the parties hereto (who enter into these presents for and on behalf of the respective Governments of the States of New South Wales and Victoria) that the Government of the State of Victoria shall construct bridges across the River Murray at points opposite or nearly opposite the towns of Euston and Wentworth
- 25 respectively and also lines of railway thereon and also a line of railway to each of the said towns of Euston and Wentworth in extension of the lines across the said bridges and that the Government of the State of New South Wales shall construct from those towns lines of railway to points distant in New South Wales at least forty miles
- 30 from such towns upon the terms and conditions hereinafter appearing and shall take steps to make available for farming settlement the land in the vicinity of such lines of railway. Now it is hereby mutually agreed and declared by and between the parties hereto as follows (that is to say):
- 35 1. That subject to the requisite Legislative authority of the said respective States being obtained the Government of the State of Victoria shall with all reasonable despatch construct—
- (a) two bridges with approaches across the River Murray at points to be mutually agreed upon opposite or nearly opposite
- 40 to the towns of Euston and Wentworth commencing at points in Victoria on the edge of the high flood channel and terminating at points in New South Wales on the edge of the high flood

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- 5 flood channel or at the southern ends of the railway stations at Euston and Wentworth respectively if they extend within the limits of the high flood channel for the purpose of carrying lines of railway and also roadways for vehicular horse and foot traffic;
- (b) two lines of railway of the 5 feet 3 inches gauge over such bridges connecting with and in continuation of lines of railway to be constructed in the State of Victoria from Chilligollah and Merbein respectively;
- 10 (c) lines of railway of the 5 feet 3 inches gauge to the towns of Euston and Wentworth respectively (inclusive of station buildings and other necessary equipment) in extension of the lines of railway over such said bridges and shall also construct stations at Euston and Wentworth and provide such other
- 15 buildings works sidings and other conveniences (inclusive of any railway wharves and wharf sidings at the towns of Euston and Wentworth respectively) as may be mutually determined from time to time as necessary for the conduct of business.
2. That subject to the Legislative authority aforesaid the Govern-
20 ment of the State of New South Wales shall with all reasonable despatch construct a line of railway of the 5 feet 3 inches gauge from the towns of Euston and Wentworth respectively to points distant in New South Wales at least 40 miles from such towns as may be mutually agreed upon and in each case shall also construct stations
25 at such locations and provide such other buildings works sidings and other conveniences as may be mutually determined from time to time as necessary for the conduct of business.
3. That every estimate tender plan and specification for such bridges and lines of railway thereon shall be submitted by the Govern-
30 ment of the State of Victoria for the consideration and approval of the Government of the State of New South Wales and every estimate tender plan and specification for such lines of railway to be constructed by the Government of the State of New South Wales shall be submitted for the consideration and approval of the Government
35 of the State of Victoria and that no expenditure shall be deemed to form part of the cost of the construction of such bridges and lines of railway thereon or any portion thereof unless and until such approval has been given.
4. That the respective Governments of the States of New South
40 Wales and Victoria shall resume or acquire such land in the territory of their respective States as may be necessary for the construction of the said bridges.
5. That the Government of the State of New South Wales shall resume or acquire or shall empower the Government of the State of
45 Victoria to resume or acquire such lands as may be necessary for the purposes of the construction and working of such lines of railway in extension of the lines of railway over the said bridges at Euston and Wentworth respectively.

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6. That the cost of the construction of the said bridges and of the lines of railway other than the lines of railway to be constructed by the Government of the State of New South Wales and of any land which it may be necessary to resume or acquire therefor shall be borne
5 by the Governments of the States of New South Wales and Victoria in the proportion of one-third and two-thirds respectively and such cost shall be certified to by Railway Engineers respectively appointed by the said Governments and that the interest charges certified to have been actually incurred by the respective Governments
10 upon such cost of construction and of the resumption or acquirement of land in respect of the period up till the date of the adjustment of such charges shall also be borne by the respective Governments in like proportion.

7. That the amount payable by the Government of the State of
15 New South Wales in respect of the cost of construction of the said bridges and lines of railway thereon and of the resumption or acquirement of land and the interest charges thereon shall be paid within twelve months of the date of the aforesaid certificate by the Engineers appointed for the purpose provided that no payment shall be made
20 by the Government of the State of New South Wales under the provisions of this or of any other clause of this agreement unless and until the Government of the State of Victoria shall have constructed lines of railway connecting the said lines of railway with the existing lines of railway at Chillingollah and Merbein respectively.

25 8. That the cost of the maintenance of the said bridges shall be borne by the Governments of the States of New South Wales and Victoria in the proportion of one-third and two-thirds respectively and that the amount so payable by the Government of the State of New South Wales shall each year be paid to the Government of the State of
30 Victoria within three months of the receipt of a certified statement of the actual cost of maintenance during the twelve months ending on the thirtieth day of June preceding.

9. That the cost of the construction of the said lines of railway in extension of the lines of railway over the said bridges at Euston
35 and Wentworth respectively shall be borne by the Government of the State of New South Wales.

10. That for the purpose of determining the amount of the actual cost of the construction of the said lines of railway in extension of the lines of railway over the said bridges at Euston and Wentworth
40 respectively and also of the stations buildings works sidings and other conveniences incidental thereto inclusive of any railway wharves or wharf sidings and requisite equipment at the towns of Euston and Wentworth respectively and of such land as may be resumed or acquired for such lines (excluding the land to be acquired for the
45 purposes of such lines of railway between the townships of Euston and Wentworth respectively) the interest incurred by the Government

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of the State of New South Wales upon the money expended in connection with the works aforesaid from the time the same was expended until the date of the opening of the line for traffic shall be deemed to be portion of the cost of construction.

5 11. That the Government of the State of Victoria shall pay annually to the Government of the State of New South Wales a sum by way of interest on the cost (as certified by the Chief Engineer for
10 Railway Construction of the State of New South Wales) of the construction of the lines of railway in extension of the lines of railway across the said bridges and of stations buildings works sidings and other conveniences incidental thereto and of the resumption or
15 acquirement of the land as may be necessary therefor (excluding any interest on the cost of the land required for the purposes of such lines of railway between the said bridges and Euston and Wentworth respectively) computed on the average rate of interest payable by the
20 respective Governments of the States of New South Wales and Victoria on loan moneys raised by the said States during the period of the construction of the said lines of railway.

22 12. That the cost of the working and maintenance of the lines of railway across the said bridges and of the lines of railway in extension thereof and of any stations buildings works sidings and other conveniences incidental thereto shall be borne solely by the Government of the State of Victoria.

25 13. That the Government of the State of New South Wales shall empower the Victorian Railway Commissioners to impose such fares rates and other charges whatsoever as they may deem necessary from time to time for the conveyance of passengers and for the carriage of animals goods and parcels over the lines of railway across the said
30 bridges and over the lines of railway in extension thereof subject to the sanction of the Governor in Council of the State of Victoria.

35 14. That the revenue and all other charges and imposts derived from the lines of railway across the said bridges and from the lines of railway in extension thereof and from the use or occupation of any buildings works sidings and other conveniences incidental thereto shall be collected solely by the Victorian Railways Commissioners and shall be paid into and become portion of the consolidated revenue of the State of Victoria.

40 15. That the Government of the State of New South Wales shall take all necessary steps to obtain legislative authority for the construction of the 5 feet 3 inches gauge of the lines of railway across the said bridges and of the lines of railway in extension thereof the enforcement of fares rates and other charges the collection of revenue and all other charges and imposts and the vesting of the land resumed or acquired for the purposes of such lines of railways and of the
45 control management and working of the lines of railway across the said bridges and the lines of railway in extension thereof in the Victoria Railways Commissioners on behalf of the Government of the State of Victoria.

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16. That the Governments of the respective States shall if necessity arise enter into such further agreement or agreements for the more effectual carrying out of these presents.

As witness the hands and seals of the parties the day and year first
5 before written.

Signed, sealed, and delivered by)
WILLIAM ARTHUR HOLMAN,) W. A. HOLMAN (L.S.)
in the presence of—)
E. B. HARKNESS.)

10 And by)
WILLIAM ALEXANDER WATT,) W. A. WATT (L.S.)
in the presence of—)
F. SHORT, J.P.)

