



ANNO DECIMO OCTAVO

GEORGII V REGIS.

A.D. 1927.

No. 1821.

An Act to extend the provisions of "The Broken Hill Proprietary Company, Limited's, Hummock Hill to Iron Knob Tramways Act, 1900" (hereinafter referred to as the principal Act) so as to authorise The Broken Hill Proprietary Company, Limited (hereinafter referred to as the Company) to construct, maintain, and work by steam traction or other mechanical means a branch or spur tramway running westerly along a strip of Crown Land through Pastoral Leases Nos. 1430 and 1208, from a point on the Tramway already constructed under the principal Act to certain mineral leases held by the Company in or adjacent to the Middleback Ranges, and for that purpose to acquire a Perpetual Lease (free from all existing leases) of the said strip of Crown Land.

[Assented to, December 21st, 1927.]

WHEREAS the Company is the holder of certain mineral leases numbered 2386 to 2392 and 2397 to 2403 all inclusive known as Iron Baron, situated at or adjacent to the Middleback Ranges, and the lands comprised in the said leases contain ironstone, but to permit of same being economically worked it is necessary to construct a tramway to convey the ironstone to the existing tramway: WHEREAS the Company is willing at its own expense to construct, maintain, and work a tramway connecting the tramway already constructed under the principal Act with the lands comprised in the said leases.

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

Short title.

1. This Act may be cited for all purposes as the "Hummock Hill to Iron Knob Tramway Extension Act, 1927".

Interpretation.

2. In the construction of this Act, unless there shall be something in the subject matter or context repugnant to such meanings—

The expression "the Company" shall mean "The Broken Hill Proprietary Company, Limited," and its successors :

The expression "the tramways extension" shall mean the tramways by this Act authorised or any part thereof :

The expression "the deposited plan" shall mean the plan of the tramways extension and of the Crown lands of which the Company is entitled by this Act to acquire from the Crown a perpetual lease, which plans were deposited in the office of the Surveyor-General, at the Government Offices, Adelaide, on the eleventh day of October, nineteen hundred and twenty-seven.

Power to make branch tramway.

3. Subject to the provisions of this and the principal Act the Company may make, form, lay down, construct, maintain, and work on the lines and levels shown in the deposited plans and within the limits of the deviations of such lines, as shown in the deposited plans, a branch tramway commencing at or near the point where the tramway constructed under the principal Act intersects the telegraph line from Port Augusta to Port Lincoln and proceeding in a westerly direction to the said mineral leases which branch tramway is more particularly delineated in the deposited plan, or such portion thereof as the Company may think expedient, with all proper rails, plates, works, sidings, junctions, stations, locomotive sheds, houses, buildings, approaches, and conveniences connected therewith.

The Company may cut through vermin-proof fences.

4. The Company may cut sufficient spaces or openings through the vermin-proof fences vested in or under the control of the Vermin Boards of the Districts of Mount Young and Pandurra erected across the said lines of tramway extension hereinbefore referred to and authorised by this Act and along the boundary between pastoral leases numbered 1430 and 1208 to enable the said lines of tramway extension to be made, joined, laid down, constructed, maintained, and worked in manner authorised by this Act : Provided that the Company shall erect and at all times maintain good and sufficient vermin-proof gates across the respective openings or spaces caused by such cuttings, such gates to be constructed in such a manner as when closed to render the said openings and spaces so to be cut as aforesaid vermin-proof within the meaning of the Vermin Act, 1914, and of all Acts now or hereafter amending the same and that the Company shall keep such gates constantly closed and securely fastened,

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fastened, but may open any of such gates as long as may be necessary to enable any tramways, engines, wagons, or carriages or other conveyances to pass through the same or for the purpose of any traffic passing through the same or so long as may be necessary for any other purpose authorised by this Act: Provided that the Company may adopt such other means of excluding vermin as may be approved of by the said Vermin Board.

The Company shall at its own cost during the term of the lease in perpetuity hereinafter mentioned keep and maintain all vermin-proof fences on the lands included in the said lease in good repair and vermin-proof within the meaning of the Vermin Act, 1914, and of all Acts now or hereafter amending the same.

5. Immediately after the coming into operation of this Act the Company shall be entitled to a grant from the Governor, in the name and on behalf of the Crown, of a lease in perpetuity (free from all existing Crown leases and encumbrances) of a strip of land of the width of 100 links from and on each side of the centre line of the said tramways extension throughout the whole length thereof, as shown in the deposited plans, being that portion of the lands comprised in the said pastoral leases Nos. 1430 and 1208 along which the said tramways extension is to be constructed, as shown in the deposited plans, which lease shall be in the form or to the effect set forth in the Schedule to the principal Act, to hold the same for the purposes of this and the principal Act, and subject to the annual rent and upon the terms, provisions, and conditions set forth in the said lease so to be granted, in the said form, and to the effect aforesaid: Provided that in the event of the Company making any deviations of the said centre line of the said tramways within the limits shown in the deposited plans, then the said strip or parcel of land to be included in such lease in perpetuity shall be of the width of 100 links on each side of the centre line of the said tramways for the length so deviated.

The Company entitled on coming into operation of Act to a perpetual lease of certain Crown lands for purposes of this Act.

6. Immediately after the coming into operation of this Act, all leases from the Crown heretofore granted and all covenants therein contained shall cease, determine, and be void so far as they respectively relate to or comprise any part of the lands so included in such lease so to be granted in perpetuity to the Company as aforesaid, anything in such respective leases to the contrary notwithstanding, and thenceforth such leases shall be read as leases only of or relating to all other lands which they respectively comprise or to which they respectively relate. The respective lessees of such respective leases shall thereupon be entitled to a rebate of the rent payable under such respective leases proportionately to the respective areas of leased lands which are respectively included in the lease hereinbefore directed to be granted in perpetuity to the Company. And the Company shall pay to the respective lessees full compensation for the loss of their respective interests in any such areas and for any damage that may be sustained by such respective lessees by reason of the execution of the works which by this Act the Company are authorised

All leases to be void so far as they comprise any lands included in perpetual lease to Company.

Rent to rebate proportionately.

Lessees entitled to compensation.

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authorised to carry out, the amount of such compensation to be determined in the event of dispute by an umpire to be nominated by the Company and by the person claiming compensation.

Period for completion of tramways.

7. The tramways extension shall be completed within three years from the passing of this Act.

Extension hereunder and existing tramways one undertaking.

8. The tramways extension hereby authorised shall be subject to the provisions of sections 2, 3, 10, 11, 12, 13, 15, 16, 21, 24, 25, 26, and 27 of the principal Act, and such tramways extension and the tramways authorised by the principal Act shall be regarded as one undertaking as if the tramways extension had been authorised by the principal Act, so that all rights and powers conferred and all obligations and liabilities imposed upon any person or persons whatsoever in relation thereto shall, except as expressly varied by this Act, be construed and take effect as if the same were conferred or imposed as the case may be by the principal Act. In section 26 shall be included the words "and at Iron Baron aforesaid" after the words "Iron Knob aforesaid".

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

G. J. R. MURRAY, Lieutenant-Governor.