

TALLERING PEAK - MULLEWA RAILWAY.

10° Elizabeth II., No. LXVIII.

No. 68 of 1961.

**AN ACT to authorise the construction of a railway
from Talling Peak to Mullewa.**

[Assented to 28th November, 1961.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the *Talling Peak-Mullewa Railway Act, 1961.*

Commence-
ment.

2. (1) This Act shall come into operation on a day to be fixed by proclamation.

(2) The Governor shall not make a proclamation bringing this Act into operation unless and until he is advised by the Minister of the Crown to whom

the administration of the Mining Act, 1904, is for the time being committed by the Governor, that, in relation to the construction of the railway authorised to be constructed by this Act, the Company has fulfilled all the obligations that are required to be fulfilled by it under the Agreement prior to such construction being so authorised.

3. In this Act, unless the contrary intention appears,—

Interpre-
tation.

“the Agreement” means the agreement dated the tenth day of August, one thousand nine hundred and sixty-one between The State and Western Mining Corporation Limited, a copy of which is contained in the Schedule to a Bill for an Act to be known as the Iron Ore (Tallering Peak) Agreement Act, 1961;

“the Company” has the same meaning as that expression has in the Agreement.

4. Subject to the Agreement, it shall be lawful for the Company to construct and maintain a railway, with all necessary, proper and usual works and conveniences in connection with the railway, along the line described in the Schedule to this Act.

Authority
to construct
railway.
Cf. s. 96
Act No. 47
of 1902.

5. Notwithstanding anything contained in the Public Works Act, 1902, it shall be lawful to deviate from the line as described in the Schedule to this Act to the extent of two miles on either side thereof.

Authority
to deviate
two miles.

6. The railway authorised to be constructed by this Act shall for all purposes be deemed a railway to which Part VI of the Public Works Act, 1902, applies.

Act No. 47 of
1902 deemed
to apply
to railway.
Cf. the
Agreement,
clause 6 (4).

SCHEDULE.

Railway from Tallering Peak to Mullewa.

Sections 4
and 5.

Commencing at a point on the Mullewa-Cue railway 23 chains from the commencement of the said railway and proceeding in an East by Northerly direction for a distance

of 35 chains through reserve No. 5082, thence in a Northerly direction for a distance of 20 chains through Victoria Location 2841, thence in a North-westerly direction for a distance of 60 chains through Victoria Locations 2841, 2924, 2029 and Mullewa AA Lot 36, thence in a North by North-westerly direction for a distance of 2 miles 20 chains through Mullewa AA Lots 36, 37, 38 and Victoria Locations 4380, 4378, 7478, 10442, thence in a Northerly direction for 70 chains through Victoria Location 10607 and Stock Route reserve No. 9701, thence in a North-east by Easterly direction for a distance of 2 miles 30 chains through reserve No. 9701, thence in a North-east by North direction for a distance of 4 miles 40 chains through reserve Nos. 9701, 12902 and Victoria Location 2839, thence in a North by Easterly direction for a distance of 4 miles 15 chains through reserve Nos. 12902, 9701, thence in a North-north-easterly direction for a distance of 5 miles 35 chains through reserve No. 9701, thence in a North by Easterly direction for 3 miles through reserve Nos. 9701 and 413, thence in a North-north-westerly direction for a distance of 6 miles 30 chains to the Greenough River through Victoria Locations 7337, 7624, 7625, thence in a North by Westerly direction for a distance of 1 mile 70 chains through Victoria Location 7622 and Pastoral Lease No. 392/434, thence in a North-east by North direction for a distance of 1 mile 60 chains through Pastoral Lease 392/434, thence in a North-east by East direction for a distance of 2 miles through Pastoral Lease No. 392/434 and Pastoral Lease 394/791 to the works site and crossing the Western boundary of Pastoral Lease No. 394/791 at 1 mile 20 chains North of Tallering Trigonometrical Station, and being a total distance of 36 miles 5 chains, all bearings and distances being thereabout, and as more particularly set out and delineated in red on map marked C.E. Plan 51936 deposited pursuant to the Public Works Act, 1902, Section 96.
