

KALGOORLIE-PARKESTON RAILWAY.

8° Elizabeth II., No. XXXVI.

No. 36 of 1959.

AN ACT to authorise the operation and maintenance, and to validate as lawful the past operation and maintenance, by the Western Australian Government Railways Commission, of a railway from Kalgoorlie to Parkeston; and for other and incidental purposes.

[*Assented to 30th October, 1959.*]

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
and citation.

1. This Act may be cited as the *Kalgoorlie-Parkeston Railway Act, 1959.*

2. In this Act unless the context requires otherwise—

Interpre-
tations.

“Commission” means in relation to any matter which has occurred or may occur on or after the first day of July, one thousand nine hundred and forty-nine, the body corporate as constituted from time to time by the name of The Western Australian Government Railways Commission pursuant to the Government Railways Act, 1904; and includes in relation to any matter which occurred before that day the body corporate as constituted from time to time by the name of The Commissioner of Railways pursuant to that Act;

See
Government
Railways
Act, 1904-
1959, ss. 8
and 12 (6).

“line affected” means the railway line to which this Act applies and which consists of the part line and the spur line; and is shown in red on the plan in the Schedule to this Act as the line affected;

“part line” means that part of the railway line, the construction and maintenance of which railway line was authorised by the Kalgoorlie-Kanowna Railway Act, 1896, which part is of a gauge of three feet and six inches and commences at a point mentioned in that Act as in or near the Kalgoorlie Townsite and proceeds thence in a generally north-easterly direction for a distance of two miles, fourteen chains and seventeen links at the end of which distance it connects with the spur line, and is shown on the plan in the Schedule to this Act as the “Old Kanowna Railway”;

See 60 Vict.,
No. 37.

“spur line” means that part of the line affected which so connects with the part line, and which was constructed in or about the year one thousand nine hundred and twelve on land of the Crown in right of the State, of a gauge of three feet and six inches and of a length of sixty-one chains and seventy-seven links in the form approximately of an arc proceeding from its connection with

See L. &
S.O.P.
No. 1610.

the part line in a generally north-easterly, then easterly, and then south-easterly, direction, and is shown on the plan in the Schedule to this Act as the "Connection to Commonwealth Railways."

Validation and authorisation of operation and maintenance of the line affected.

3. The Commission having operated and maintained the line affected since the construction of the spur line was completed in or about the year one thousand nine hundred and twelve until the coming into operation of this Act notwithstanding

that in the case of the spur line, authority to do so was not conferred on the Commission by Act of the Parliament of the State; and

that in the case of the part line, authority under Act of the Parliament of the State for the Commission to do so ceased on the coming into operation of the Railways Discontinuance Act, 1928;

See No. 18 of 1928.

and it now being deemed expedient to validate the past, and to authorise the future, operation and maintenance by the Commission of the line affected, it is hereby expressly enacted that the Commission is authorised, and shall be deemed always to have been authorised, by this Act to operate and maintain the line affected.

Application of Government Railways Act, 1904, to line affected.

4. The provisions of the Government Railways Act, 1904, as enacted and as amended from time to time and as applicable at any particular time in respect of any particular matter, shall be deemed to have applied prior to the coming into operation of this Act, and shall be deemed to apply after the coming into operation of this Act, to the operation and maintenance of the line affected in all respects as if the line affected were in fact a "Government railway" according to the interpretation of that expression in section two of the Government Railways Act, 1904, and had in fact been declared open for traffic by notice in the *Gazette*.