

BROOKTON-DALE RIVER RAILWAY.

14° GEO. V., No. XXIX.

No. 50 of 1923.

AN ACT to authorise the Construction of a Railway from Brookton to Dale River.

[Assented to 22nd December, 1923.]

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 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 *Brookton-Dale River Railway Act, 1923*.

Authority to construct.

2. It shall be lawful to construct and maintain a railway with all necessary, proper, and usual works and conveniences in connection therewith, along the line described the Schedule to this Act.

3. Notwithstanding anything contained in the Public Works Act, 1902, it shall be lawful for the Minister for Works to deviate from the line as described in such Schedule to the extent of five miles on the North side thereof, and to the extent of two miles on the South side thereof.

Deviation.

4. At any time after the passing of this Act, and until the expiration of twelve months from the publication of notice in the *Government Gazette* declaring the railway open for traffic, the Governor may—

Power to Governor to compulsorily purchase land within 15 miles of railway.

(a) With the object of encouraging the cultivation and settlement of the land, compulsorily purchase any land in parcels of not less than one thousand acres, each parcel being the property of one person or two or more persons, jointly or in common, and situated within fifteen miles of any part of the line of the railway, and which land is certified by the Minister for Lands as suitable for closer agricultural settlement ;

(b) Compulsorily purchase any land situated as aforesaid for townsites :

Provided that no land shall be compulsorily purchased under paragraph (a) of this section until the Land Purchase Board has favourably reported thereon.

5. On the determination by the Governor from time to time to exercise the power conferred by the last preceding section, any land within such defined limits may be taken under the Public Works Act, 1902, and the provisions of that Act shall apply, and the amount of the purchase money shall be determined as compensation is determined under that Act :

Purchase money to be determined under Public Works Act, 1902.

Provided that, on the exercise of any such power, or on the acquisition by the Governor within the said period of land situated as aforesaid for any work within the meaning of the Public Works Act, 1902, no regard shall be had to any increased value occasioned by the railway, and the purchase money shall be assessed at the probable and reasonable price which the land, with any improvements thereon, or the estate or interest of the claimant therein, might have been expected to realise if offered for sale at the date the land was taken, and if the railway had not been constructed or authorised.

Governor may require surrender, etc., to be made.

6. Before the purchase money is paid for any land compulsorily purchased under the authority of this Act, the Governor may require the claimant to execute a surrender, conveyance, or transfer of the land to the Crown, or as the Governor may direct, free from all encumbrances.

Application of No. 46 of 1909.

7. All such lands acquired under paragraph (a) of section four shall be dealt with under the provisions of the Agricultural Lands Purchase Act, 1909, and the purchase money may be paid out of any moneys authorised to be raised and expended by that Act, or as therein prescribed.

Incorporation of 2 Edw. VII., No. 47.

8. Subject as aforesaid, the Public Works Act, 1902, is incorporated herewith.

SCHEDULE.

BROOKTON-DALE RIVER RAILWAY.

Description of Line of Railway.

Commencing at a point in or near Brookton Station on the Great Southern Railway and proceeding thence in a generally North-North-Westerly direction for about 2 miles; thence in a generally Westerly direction for about $6\frac{1}{2}$ miles; thence in a generally Southerly direction for about 2 miles; thence in a generally Westerly direction for about $8\frac{1}{2}$ miles; thence in a generally North-Westerly direction for about $7\frac{1}{2}$ miles, and terminating at a point in or near Avon Location 7585, as more particularly delineated and coloured red on map marked P.W.D., W.A. 22925, deposited pursuant to 2 Edward VII., No. 47, Section 96.

Total length, about $26\frac{1}{2}$ miles.
