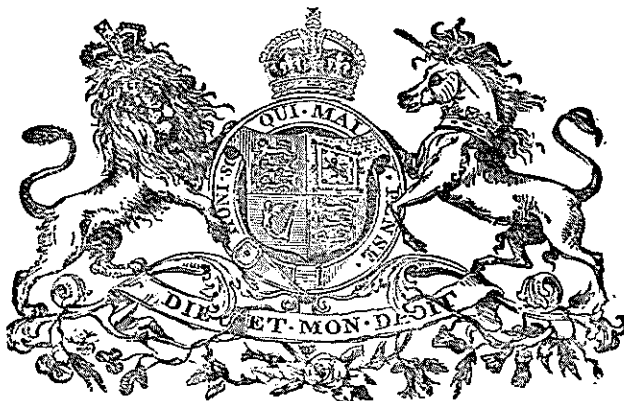


WESTERN AUSTRALIA.



ANNO TERTIO

EDWARDI SEPTIMI REGIS,

IV.

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**No. 4 of 1903.**

AN ACT to enable the Parliament of the Commonwealth to make laws for the construction and maintenance of a Railway from Kalgoorlie to the Eastern boundary of Western Australia, and of a Railway from the Port of Eucla to a point intersecting the route of the aforesaid Railway.

[Assented to 29th September, 1903.]

**W**HEREAS the people of New South Wales, Victoria, South Preamble.  
Australia, Queensland, Tasmania, and Western Australia, being desirous of securing closer union and the benefits of mutual protection and defence, and being desirous also of enjoying the advantages of freedom of trade, commerce, and reciprocal intercourse, have by the Commonwealth of Australia Constitution Act formed one federal and indissoluble Commonwealth: And whereas, in furtherance of these objects, power has been conferred upon the Parliament of the Commonwealth to make laws for the construction and extension of Railways in any State with the consent of such State: And whereas, on the faith of the early construction of a Railway to connect the Western and Eastern portions of the Commonwealth, by means whereof they could enjoy the full benefits of such union, the people of Western Australia did agree to the said

Constitution, and to form part of the Commonwealth: And whereas, to enable the Parliament of the Commonwealth to execute and maintain those essential provisions of the Constitution which were intended to confirm the people of this portion of the Commonwealth in that assurance of protection and defence, and the advantages of postal and commercial intercourse, and of freedom of trade by land and by sea, which are enjoyed by members of the Commonwealth elsewhere, it is desirable to authorise such Parliament to construct a Railway as aforesaid: Now therefore 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 *Trans-Australian Railway Enabling Act*.

Power to make laws for construction and maintenance.

**2.** SUBJECT to section six hereof, the Commonwealth Parliament may make laws for the construction and maintenance—

(1.) Of a railway from Kalgoorlie to the Eastern boundary of Western Australia, commencing at the termination of the existing railway system of the State at Kalgoorlie, and proceeding thence to the said boundary by such route as the Commonwealth Parliament may determine, and

(2.) Of a railway from the Port of Eucla running due North to a point intersecting the route of the railway aforesaid.

Power to take land.

**3.** THE Commonwealth Parliament may, without compensation, take the surface, and the land below the surface to a depth of two hundred feet, of all such waste lands of the Crown as may be necessary for such railways, including a strip of land three chains wide along the lines of such railways, and also of all such waste lands of the Crown as may be deemed necessary for station premises, sidings, water supplies, and other incidental purposes.

The State to construct railway from Kalgoorlie to Fremantle.

**4.** NOT later than the time when the Commonwealth Parliament commences the construction of the first-mentioned railway, the State of Western Australia will commence the construction of a railway from Kalgoorlie to Fremantle, on the same conditions as to gauge and rails as those laid down by the Commonwealth Parliament in connection with the work undertaken by it, and shall complete the same by the time the Commonwealth has completed the railway aforesaid.

Interpretation.

**5.** "RAILWAY" includes all necessary, proper, and usual works and conveniences in connection therewith.

6. THIS Act and the authority hereby given to the Commonwealth Parliament shall cease and be void unless the said Parliament shall have agreed to and shall have commenced the actual construction of the said railways within five years from the passing of this Act.

Act to cease in  
certain events.