

WESTERN AUSTRALIA.



ANNO TERTIO

EDWARDI SEPTIMI REGIS,

XVII.

No. 2 of 1904.

AN ACT to confirm a Provisional Order authorising the construction of Tramways in the Municipality of Boulder.

[Assented to 16th January, 1904.]

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:—

1. THIS Act may be cited as the *Boulder Tramways Act, 1904.* Short title.
2. THE Provisional Order made by the Minister for Works on the eleventh day of November, 1903, and set forth in the Schedule to this Act, is hereby confirmed. Confirmation of Provisional Order.
3. SUBJECT to the provisions of the Tramways Act, 1885, the Promoter named in the said Provisional Order and his assigns (hereinafter called "the Promoter") may make, lay down, construct, maintain, and work the tramways set forth in the said Provisional Order. Power to construct tramways.
4. THE Schedule hereto shall form part of this Act. Schedule incorporated.

Protection of telephone service from injury by tramways.

5. WHENEVER any telephone service is erected prior to the construction of the tramways, and is prejudicially affected by the construction or working of the tramways, the Postmaster General may, at the cost of the Promoter and his assigns, do all such things as may be necessary to protect the telephone service from being so affected, either by placing the same on a metallic circuit system or otherwise.

Deposit.

6. THE deposit paid by the Promoter to the Colonial Treasurer under section eleven of the Tramways Act, 1885, shall be forfeited unless the works, as shown on Plans P.W.D., W.A., Nos. 10290, 10291, 10292/4, 10293/15, 10294, 10295, 10296/2, 10297/2, 10298/2, 10299, and 10300, are duly commenced and completed in accordance with the provisions of paragraph two of the Provisional Order.

Interpretation.

7. THE term "Local Authority," when used in this Act or in the Tramways Act, 1885, shall mean the council of any municipality declared and proclaimed or constituted under the provisions of the Municipal Institutions Act, 1900, or other board, council, trustees, or persons in whom a road as defined by the Tramways Act, 1885, is vested, or who have the power to maintain or repair such road.

THE SCHEDULE.

PROVISIONAL ORDER.

WHEREAS the KALGOORLIE ELECTRIC TRAMWAYS, LIMITED, whose registered office in Western Australia is in Boulder Road, Kalgoorlie, a Company within the meaning of the expression "The Promoters," as defined by the Tramways Act, 1885, Section 3, Subsection 2, has made application to me for a Provisional Order authorising the construction of Tramways in the District of the Municipality of Boulder along the routes in the Schedule hereunder written; AND WHEREAS the Promoter has published notice of its intention to make such application in the form prescribed in the Schedule "B" annexed to the Tramways Act, 1885, by advertisement in the *Government Gazette* and in the *Kalgoorlie Miner* and *Evening Star* newspapers, published in the said District, and has deposited the documents described in Schedule "C" annexed to the same Act with the Minister for Works, Perth, and with the Town Clerk of the Municipality of Boulder; AND WHEREAS I have considered the said application and it appears to me expedient and proper that the said application should be granted; NOW, THEREFORE I, C. H. RASON, the Minister for Works for Western Australia, DO HEREBY, by virtue of the provisions of the Tramways Act, 1885, make a Provisional Order, and I DO ORDER as follows, that is to say:—

1. The Promoter shall be and is hereby empowered to make, form, lay down, construct, maintain, and work tramways in, upon, and along such of the streets and roads in the District of the Municipality of Boulder as are mentioned in the said Schedule hereunder written: PROVIDED NEVERTHELESS that, notwithstanding anything herein contained, it shall be lawful for the Minister for Works at any time within six months from this date, by notice in writing to the Promoter, delivered at its registered office for the time being, to prohibit the construction of any part or parts of the said tramway which, in the opinion of the Minister for Works, may interfere with the Railway system.

2. That the Promoter shall, within six months after the confirmation by Act of Parliament of the Provisional Order, or within such extended time as the Local Authority may approve, substantially commence the work in connection with the said tramways; and shall, within six months from the expiration of the above-mentioned six months or from the expiration of such extended time as aforesaid, have the electric tramways running and fully equipped for a distance equal to one-half of the total length of the routes mentioned in the said Schedule hereto; and shall, within three months from the expiration of the said last-mentioned six months, complete the other half or balance of the said tramways on the said routes and fully complete the works authorised by the Provisional Order in respect of the said routes, and the same shall in every respect be in accordance with the Tramways Act, 1885.

3. That the Promoter shall, within two years from the date of the confirmation by Act of Parliament of this Provisional Order, purchase the freehold of, or lease with right of purchase, all such lands as shall be required for the purpose of or in connection with the working of the said tramway (such purchase in every case to be with the approval, in writing, of the Local Authority), and shall, previous to such purchase or lease, notify the Local Authority, in writing, the price proposed to be paid for such freehold or leasehold land: AND all buildings and works required or used in connection with the tramways in Boulder City shall be erected on freehold lands or leasehold lands with the right of purchase.

4. That the said Tramways shall be constructed on a 3ft. 6in. gauge.

5. That the Promoter shall, at his own expense, at all times maintain and keep in good condition and repair, with such materials and in such manner as the Local Authority shall direct and to their satisfaction, so much of any road whereon any tramway belonging to the Promoter is laid as lies between the rails of the tramway, and where double lines of rails are laid by the Promoter on any road at a distance of not more than four feet from each other the portion of the road between the tramways, and also in every case so much of the road as extends eighteen inches beyond the rail on each side of the tramways. If the Promoter shall abandon the undertaking, or any part of the same, and, with the consent in writing of the Minister for Works and the Local Authority, shall take up any tramways or any part of any tramway belonging to the Promoter, such Promoter shall, with all convenient speed, in all cases within four weeks at the most (unless the Local Authority otherwise consent in writing), fill in the ground and make good the surface, and to the satisfaction of the Local Authority restore the portion of the road upon which such tramways were laid to as good a condition as that in which it was immediately before such tramways were laid thereon, and shall also clear away all surplus paving, metalling material, and rubbish occasioned by such work to such place as the Local Authority may direct, and the Promoter shall in the meantime cause the place where the road is opened or broken up to be fenced or watched and properly lighted at night in the same manner as prescribed in Clause 20 of the Tramways Act, 1885: PROVIDED, HOWEVER, that no part of the tramways proposed in this Agreement after having been laid shall be taken up or abandoned without the consent in writing of the Minister for Works and the Local Authority having been first obtained.

6. Subject to the provisions hereinafter contained the Promoter may demand and take for every passenger conveyed upon the said tramways any tolls and charges not exceeding the amounts following:—The maximum fare to be charged for a single journey in the case of ordinary cars shall be as follows:—

- (a.) From any part of Boulder Municipality to any other part of it, Threepence.
- (b.) From any part of Boulder Municipality (excepting only that portion of Lane Street and the Federal Road route to the North of Burt Street) to any place within the Kalgoorlie Roads Board District, Sixpence.
- (c.) From any part of Boulder Municipality (with the exception of that portion of Lane Street and the Federal Road route to the North of Burt Street) to any part of Kalgoorlie Municipality, Ninepence.
- (d.) From any part of Lane Street and the Federal Road route North of Burt Street and within the Boulder Municipality to any part of Kalgoorlie Roads Board District, Threepence.
- (e.) From any part of Lane Street and the Federal Road route North of Burt Street and within the Boulder Municipality to any part of Kalgoorlie Municipality, Sixpence.
- (f.) Special cars may be run by the Promoter, who may charge fares otherwise than set forth in this Agreement; but such special cars shall be run and fares charged subject only to the permission and approval, in writing, of the Local Authority first had and obtained.

7. In the event of the fares charged by the Promoter from any one part of the Kalgoorlie Municipality to any other part of that Municipality or from any one part of the Kalgoorlie Roads Board District to any other part of such District being reduced below the sum of threepence as now charged, the fare from any one part of the Boulder Municipality to any other part of it, and being a like distance, shall be to the same extent reduced if and on such routes required by the Local Authority.

8. In the event of the two Municipalities becoming contiguous the fares then to be charged shall be:—

- (a.) From any part of the Boulder Municipality to any other part of it, Threepence (3d.).
- (b.) From any part of the Boulder Municipality to any place within the Kalgoorlie Roads Board District, Sixpence (6d.).
- (c.) From any part of the Boulder Municipality to any part of Kalgoorlie Municipality, Sixpence (6d.).

9. Workmen's tickets will be issued at a single fare for the return journey during specified hours, and will be available for the return journey between the same hours as in force over the Promoter's system of tramways in Kalgoorlie, or as may be mutually agreed between the Promoter and the Local Authority.

10. Every passenger travelling on a tramway constructed under the conditions of this order which is crossed by another like tramway, the property of the Promoter, shall be entitled, without extra charge, to a transfer ticket authorising him or her to proceed on his or her journey to any point on such other tramway within the district to which the fare has been paid.

11. That the time table to be observed for running the said tramways and the schedule of the fares to be charged shall be fixed by the promoter with the approval in writing of the Local Authority from time to time, and no time table or schedule of fares shall be altered without the consent, in writing, of the Local Authority: Provided that the minimum number of trips to be run on each of the routes mentioned herein shall be ten (10) per day; and that in case of differences or dispute between the Promoter and Local Authority as to the said time table or schedule of fares the same shall be referred to arbitration, as provided for in an agreement dated the fifteenth day of August, 1903, and made between the Local Authority and the Promoter.

12. The tolls and charges authorised to be taken and which shall be demanded by the Promoter shall be paid to such persons and at such places upon or near the tramways and in such manner and under such regulations as the Promoter shall appoint by notice to be exhibited in some conspicuous place on the inside of each of the passenger cars used by the Promoter upon the tramways.

13. Every passenger travelling upon the tramways may take with him ordinary personal luggage belonging to him, not exceeding in weight 20lbs., without any charge being made for the carriage thereof.

14. The said tramways shall be used for the conveyance or carriage of passengers and passengers' luggage only.

15. The said tramways shall be moved by electrical or other power approved of by the Local Authority. The Promoter may erect and maintain, in such place or places as shall be approved by the Local Authority, all such poles and posts with wires attached thereto in the said streets and roads mentioned in the said Schedule hereunder written along the routes therein mentioned as may be necessary or required for supplying electricity to the said cars and for working the said tramways on the overhead trolley system: PROVIDED that the Minister for Works shall be entitled to direct the alteration of position of any pole or post or wire, if it appears to him that the same is specially inconvenient and could be made less inconvenient without great cost to the Promoter, and in the event of such direction being given by the said Minister for Works, the Promoter shall comply with it without delay.

- (a.) The spans between the poles not to exceed 120 feet.
- (b.) The voltage of the current supplied not to exceed 600 volts without the approval of the Local Authority.
- (c.) Height of cables and trolley wire above street not to be less than 19 feet without the approval of the Local Authority.

- (d.) If any cables are erected close to any balcony or building, provision must be made to prevent the possibility of any such cables actually touching and making earth with the verandahs, etc., and provision must also be made for protecting any person standing on a balcony or verandah from accidentally touching the cables. No cable carrying a voltage of from 500 to 600 volts to be placed closer to any building or verandah or balcony than 3 feet, and, wherever possible, cables to be on a level with the floor or roof of the verandah or balcony.
- (e.) In the event of fire, or any other serious accident, the Local Authority, fire brigade, or police to have power to order the supply of current to be discontinued at any place in order to avoid danger or accident to firemen, etc., carrying out their duties, and the Promoter shall have no claim for compensation for loss of traffic or damage.
- (f.) Where a trolley is supported by a span wire, the span wire to be insulated at both ends of the poles in addition to the usual insulation between the span wire and the trolley wire.
- (g.) No wire, cable, pole, stay, or other fixing to be erected closer than 3 feet from any telegraph or telephone wire, cable, pole, stay, or fixing without the permission of the Minister for Works.
- (h.) Before any work is commenced, beyond the laying of the track, detailed plans and specifications of the whole of the electrical installation, machinery, buildings, and works, together with detailed drawings of the rolling stock, shall be submitted to the Minister for Works for his approval.

16. In the construction of the tram lines the rails to be used on the whole of the routes proposed to be laid in Lane Street, and on that portion of the Burt Street and Finiston Road routes from Finiston to Thomson Street, shall not be less than 60lb. rails of the girder groove pattern, and as regards all other proposed routes the rails shall be of the "T" pattern, and shall be not less than 45lb. rails, or such other pattern or weight as may be approved by the Minister for Works, provided they be replaced by the Promoter with 60lb girder groove rails on the Minister for Works giving the Promoter 12 months' notice so to do. Groove rails shall be used on all curves and crossings.

17. All cars using the said tramway may travel at a speed not exceeding the rate of 10 miles an hour, and may follow after each other at distances of not less than 50 yards, and may stop at any point on the said tramways, except on crossings of streets, for the purpose of picking up and setting down passengers, and may stand at the terminus of any of the said tramways.

18. Nothing herein contained shall prejudice or affect a certain agreement, dated the fifteenth day of August, 1903, made between the Mayor and Councillors of the Municipality of Boulder of the one part, and the Promoter of the other part, as varied by an agreement dated the 29th day of August, 1903, made between the same parties, except so far as the same is contrary to or in conflict with the provisions of this order or the Tramways Act, 1885.

19. The said tramways may be constructed with single or double lines as may be agreed upon between the Local Authority and the Promoter, and the tramways may at any time be laid with double lines with the approval of the Local Authority, subject to the plans being approved by the Minister for Works.

20. The term "the Promoter," wherever herein used, shall mean and include "The Kalgoorlie Electric Tramways, Limited," and its assigns whenever the context so requires or admits.

THE SCHEDULE HEREINBEFORE REFERRED TO.

- (a.) From a point in Fimiston Road one chain West of the level railway crossing in Fimiston Road; thence along Fimiston Road and Burt Street to a point in Burt Street opposite the Grand Stand of the Boulder Racecourse.
- (b.) From the present tram terminus in Lane Street along Lane Street to and along Vivian Street to Chesapeake Street; thence along Chesapeake Street to Oroya Street; thence along Oroya Street to the boundary of the Municipality of Boulder.
- (c.) Branch line along Hopkins Street from Lane Street to Shenton Street.
- (d.) Branch line along Thomson Street from Burt Street to North Terrace, and there connecting the present tramway in Salisbury Road.

As witness my hand this 11th day of November, 1903.

C. H. RASON,
Minister for Works.