



Western Australia.

ANNO SEXAGESIMO QUARTO

VICTORIÆ REGINÆ.

No. XLV.

AN ACT to confirm a Provisional Order authorising the construction of Tramways in the District of the Road Board of Kalgoorlie.

[Assented to, 5th December, 1900.]

BE it enacted by the Queen'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 Kalgoorlie Road Board District Tramways Act, 1900.

Short title.

2. 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, 1895, 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.

Interpretation.

3. THE Provisional Order made by the Commissioner of Railways for Western Australia on the 17th day of October, 1900, as amended in the Schedule to this Act, is hereby confirmed.

Confirmation of Provisional Order.

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Power to construct tramways.

4. 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, form, lay down, construct, maintain, and work the tramways set forth in the said Provisional Order.

Schedule incorporated.

5. THE Schedule hereto shall form part of this Act.

Protection of telephone service from injury by tramways.

6. 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.

The agreement of 20th June, 1900, to include as parties the Promoter and any local authorities through whose area the routes go.

7. (1.) SUBJECT to the provisions of the Tramways Act, 1885, and of this Act, an Agreement bearing date the 20th June, 1900, and made between the Kalgoorlie Road Board (thereinafter referred to as the "local authority") of the one part and Charles Preston Dickenson of the other part, is hereby validated, and the Promoter shall be deemed a party thereto in the place of the said Charles Preston Dickenson.

(2.) In the event of the whole of the tramway routes being hereafter within the area of any single local authority not party to the said Agreement, and so long as the whole shall so remain, the said Agreement shall be deemed to be made between the Promoter and such local authority.

(3.) In the event of any part of the tramway routes being hereafter within the area of any local authority not party to the said agreement, and so long as any part shall so remain, the said agreement shall be deemed to be made between the Promoter and every local authority within whose area any portion of such routes shall be, and the rights and obligations of the parties respectively shall be apportioned in accordance with the length of route, which shall be within the areas of the local authorities respectively being, or deemed to be, parties to the said agreement.

(4.) If the area of any local authority has ceased to include a portion of the said routes, such local authority shall cease to be a party to the said agreement.

8. IF at any time after the passing of this Act the Boulder Municipal Council shall consent to the extension of the tramways herein mentioned through the Municipality of Boulder, then the Promoter shall be obliged to apply to the said Council for a concession to construct said tramways, and shall apply to the

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Commissioner of Public Works for a provisional order to construct said trams, and upon its issue and its confirmation by Parliament he shall construct the tramways herein mentioned, viz. :—

Route A mentioned in the Schedule to this Act shall be continued from its terminus at Fimister along Fimister Road to Boulder, and thence along Burt Street (or its continuation) to a point opposite the Grand Stand of the Boulder Racecourse.

Route B shall be continued from the boundary of the Boulder Municipality along Lane Street (or its continuation) to its intersection with Dwyer Street, and thence along Dwyer Street to its intersection with Wilson Street, or its continuation.

Route C shall be continued from its present terminus on the Boulder Municipality along North Terrace to its intersection with Wilson Street, thence along Wilson Street, or its continuation, to the intersection of Route B in Dwyer Street. He shall also construct such other tramways as shall be mutually agreed between the Boulder Municipal Council and the Promoter.

If the Promoter shall fail to comply with the provision of this section, the Boulder Municipality may construct the aforesaid continuation; and the Promoter shall be liable to pay for the whole cost of the same.

Such continuations, when made, shall be worked as part of, and in conjunction with, the original scheme: Provided that no extra fare be charged in connection with these continuations.

In the name and on behalf of the Queen I hereby assent to this Act.

ALEX. C. ONSLOW, Administrator.

THE SCHEDULE.

PROVISIONAL ORDER.

WHEREAS WEST AUSTRALIAN GOLDFIELDS, LIMITED, whose registered office in Western Australia is in Atlas Chambers, Bayley Street, Coolgardie, a Company within the meaning of the expression "the Promoter," as defined by the Tramways Act, 1885, Section 3, Sub-section 2, has made application to me for a Provisional Order authorising the construction of Tramways in the District of the Road Board of Kalgoorlie, between the present boundaries of the Kalgoorlie and Boulder Municipalities, along the routes in the Schedule hereunder written. AND WHEREAS the Promoter has published notice of its intention to make application in the form prescribed in the Schedule "B" annexed to the Tramways Act, 1885, by advertising in the *Government Gazette* and in the *Kalgoorlie Miner* newspaper, and has deposited the documents described in Schedule "C" annexed to the same Act, at the Department of Public Works, Perth, and with the Clerk of the Road Board of the Kalgoorlie District. 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, the undersigned, the Commissioner of Railways 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 Road Board of Kalgoorlie, between the present boundaries of the Kalgoorlie and Boulder Municipalities, as are mentioned in the said Schedule hereunder written. PROVIDED NEVERTHELESS that notwithstanding anything herein contained it shall be lawful for the Commissioner of Railways, 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 Commissioner of Railways, may interfere with the Railway system.

2. The Promoter shall, within six months after the confirmation of this Provisional Order, or within such extended time as the Commissioner of Railways may approve, substantially commence the works in connection with the said Tramways, and complete the same within two years and six months from the date of such confirmation.

3. The Promoter shall, within two years from the passing of the Act of Parliament confirming this Provisional Order, with the approval of the Local Authority, in writing, in each instance first had and obtained, purchase the freehold of, or lease with the right of purchase, all such lands as shall be required for the purpose of or in connection with the working of the said Tramways; and shall forthwith, after each such purchase, notify to the Local Authority, in writing, the price paid for such freehold or leasehold lands; and all buildings, erections, improvements, and works required or used in connection with the said Tramways shall be erected on such freehold lands, or leasehold lands with the right of purchase, so acquired as aforesaid.

4. The said Tramways shall be constructed on a 3 feet 6 inch gauge.

5. The Promoter shall, at its 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 the satisfaction of the Local Authority, so much of

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any road whereon any Tramway belonging to the Promoter is laid as lies between the rails of the Tramway, and when two Tramways are laid by the Promoter on any road at a distance of not less than 11 feet centres from each other, the portion of the road between the Tramways and, in every case, so much of the road as extends 18 inches beyond the rails on each side of any such Tramway; and in all cases when two tramways are laid on any road, such Tramways shall not be less than 11 feet apart from centre to centre.

6. All levels and gradings of each route shall be determined by the Local Authority, and approved by the Commissioner of Railways before any work in connection with the Tramway construction is commenced. If any work is commenced before this approval, in writing, has been given, then the Promoter shall be liable to the Commissioner of Railways in a penalty of Twenty-five pounds a day until such levellings and gradings are approved, such penalties to be recoverable by the Commissioner of Railways in any Court of competent jurisdiction.

7. Wherever the Tramways cross any line of railway, the Commissioner of Railways—

- (a.) May permit the Promoter, temporarily or otherwise, to adopt a level crossing; and
- (b.) May at any time require the Promoter to erect a suitable bridge over such railway for the tramway traffic; or
- (c.) To contribute towards the construction of an ordinary road bridge for use as well by the tramways as by the public, and to be built by the Government or Local Authority. Such contribution to be a sum of £3,000 for a bridge over the Boulder Railway.

The provisions of paragraphs (a) and (b) shall extend to any sidings already constructed, or hereafter to be constructed, connected with a Government railway, and whether private sidings or otherwise.

8. It shall at all times hereafter be lawful for the Commissioner of Railways, and for any person acting with his authority to construct, maintain, and use lines of railway crossing the said tramways at any points, and whenever any such line of railway shall have been so constructed, the Commissioner of Railways may require the Promoter, at its own cost, to erect a suitable bridge over such railway for the tramway traffic.

9. The said Tramways shall be laid with steel rails, which shall not be less than 60lb. rails, and of such section as the Commissioner of Railways shall approve, and shall also be subject to the approval of the Local Authority or any officer appointed by it.

10. Wherever a single tramline shall, for the time being, be laid, the rails shall be so laid that whenever the tramline is duplicated the centre line between the two sets of rails shall be the centre line of the street.

11. All poles for carrying wires shall be erected at the side of the street with span wires between them, and all electric installation shall be similar to that in use by the Perth Tramways, in the City of Perth, at the date of this Provisional Order.

12. The said Tramways shall be used for the conveyance or carriage of passengers only.

13. Except as hereinafter provided, and in the case of special cars, such special cars to be previously notified to the Local Authority and approved of, in writing, by it, 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 on any of the routes, A, B, C, and D, mentioned in the said Schedule hereunder written shall not exceed threepence for any single fare on a single journey: PROVIDED ALWAYS that the Promoter shall, as and when required by the Local Authority, provide special cars for workmen

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between the hours of 6 and 8 a.m. and 5 to 6-20 p.m., and all workmen travelling upon such special cars between the said hours in the morning shall be entitled to a return ticket at a fare not exceeding the cost of a single fare, the return half of such ticket to be available for use on such special cars between the said hours of 5 and 6-20 p.m.

14. The restrictions herein contained as to tolls and charges which the Promoter may demand and take for the conveyance or carriage of passengers shall not extend to any special cars other than workmen's cars, but shall apply only to workmen's cars and to the ordinary cars appointed by the Promoter from time to time for the conveyance of passengers.

15. 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.

16. 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.

17. It shall be at the option of the Promoter, for the first 15 months from the date of the confirmation of this Provisional Order, to use horse power as the motive power of the cars on the said Tramways, but after the expiration of the said period of 15 months all cars used on the said Tramways shall be moved by electrical or other power approved of by the Local Authority. The Promoter may erect and maintain all such poles and posts, with wires attached thereto, in the said streets 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 Commissioner of Railways 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 Commissioner of Railways the Promoter shall comply with it without delay.

18. All cars using the said Tramways 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 taking up and setting down passengers, and may stand at the terminus of any of the said Tramways.

19. The time-table to be observed for running the tramcars, and the fares to be charged to passengers thereon, shall, during the first five years from the date of the confirmation of this Provisional Order, be fixed by the Promoter, with the approval, in writing, of the Local Authority from time to time, to meet the local conditions and requirements of the public, but so that at least two tramcars shall leave Kalgoorlie and two tramcars shall leave Boulder not later than 7-15 a.m. each day; and not less than 12 trams per diem shall be run on routes A, B, C, and D. After the expiration of the said period of 5 years, the time-table and fares shall be fixed by the Local Authority and Promoter jointly, but so that the single fare for a single journey shall not exceed the amounts mentioned in paragraph 13 hereof. In case of difference, such time and fare table shall be referred to the Commissioner of Railways, whose decision shall be final.

20. The said Tramways shall be constructed in accordance with the drawings herewith (subject to provisos herein contained), with double or single lines, as the case may be; but the Commissioner of Railways may from time to time, upon the application of the Promoter, alter or vary the same, or authorise or require the Promoter to alter or vary the same.

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21. All additional plans and specifications in connection with the carrying out of the works shall be submitted to the Commissioner of Railways and the Local Authority for approval; and all works shall be carried out and finished to the entire satisfaction of the Commissioner of Railways and of the Local Authority, or of any officer appointed by it.

22. The Promoter may, from time to time, make and enter into and carry into effect contracts, agreements, and arrangements for or with reference to the use by any person, Corporation, or Company of the said Tramways, or portion thereof, and for prescribing and regulating the tolls and charges to be paid for such use, and the terms and conditions of such use, and all matters incidental thereto.

23. The Promoter shall not, nor shall any of its Assignees or Transferees, or persons claiming through or under it, have power to assign or transfer the rights hereby conferred to any other company or person without the previous approval and consent in writing of the Local Authority, and otherwise in accordance with Section 29 of the Tramways Act, 1885, provided that such approval and consent of the Local Authority shall not be arbitrarily or unreasonably withheld where the same is asked by the Promoter in favour of a substantial person or company who or which has satisfied the Local Authority as to his or its *bona fides*.

24. Subject to the provisions of the Tramways Act, 1885, the Promoter shall observe and perform all and singular the terms, conditions, stipulations, and provisions contained in a certain agreement dated the 20th day of June, 1900, and made between the Kalgoorlie Road Board of the one part and Charles Preston Dickenson of the other part as if the said West Australian Goldfields, Limited, had been party thereto in the place of the said Charles Preston Dickenson, except so far as such conditions may be modified by this order, or by the Act confirming the same.

25. The term "the Promoter," whenever herein used, shall mean and include "West Australian Goldfields, Limited," and its assigns wherever the context so requires or admits.

SCHEDULE ABOVE REFERRED TO.

Route A.—Along the Boulder Road, from its intersection with the South-Eastern boundary of the Municipality of Kalgoorlie to the North-Western boundary of Gold Mining Lease No. 102E.

Route B.—Along Federal Road, from its intersection with the Boulder Road on Lease 261E to its intersection with the boundary of the Municipality of Boulder.

Route C.—Along Salisbury Road, from its intersection with the Northern boundary of the Municipality of Boulder to its intersection with Gala Road at Lease 1915E, and thence along Gala Road to the boundary of the Municipality of Kalgoorlie.

Route D.—A cross route from a point at the intersection of Roberts Street and Gala Road; thence Easterly along Roberts Street to a point at the intersection of Roberts Street and Boulder Road.

Given under my hand this seventeenth day of October, One thousand nine hundred.

B. C. WOOD,
Commissioner of Railways.