



Western Australia

Kalgoorlie-Parkeston Railway Act 1959

Compare between:

[30 Oct 1959, 00-a0-02] and [01 Jul 2003, 00-b0-06]

Kalgoorlie-Parkeston Railway Act 1959

An Act to authorize 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: —

1. Short title and citation

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

2. Interpretations

In this Act unless the context requires otherwise —

“**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;

“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 authorized 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”;

“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 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.”

3. Validation and authorization of operation and maintenance of the line affected

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*;

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

4. Application of *Government Railways Act 1904* to line affected

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*.

Notes

- ^{1.} This is a compilation of the *Kalgoorlie-Parkeston Railway Act 1959* and includes all amendments effected by the other Acts referred to in the following Table.

Compilation table

Short title	Number and year	Assent	Commencement
<i>Kalgoorlie-Parkeston Railway Act 1959</i>	36 of 1959	30 Oct 1959	30 Oct 1959
<u>This Act was repealed by the <i>Public Transport Authority Act 2003</i> s. 149 (No. 31 of 2003) as at 1 Jul 2003 (see s. 2(1) and Gazette 27 Jun 2003 p. 2384)</u>			