

Western Australia

Perth Regional Railway Act 1972

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Perth Regional Railway Act 1972

An Act to Authorize the Discontinuance of portion of the Railway from Fremantle to Guildford, to Authorize the Construction of Perth Regional Railway, comprised of two parts, and for incidental purposes.

[Assented to 6 December 1972.]

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

This Act may be cited as the *Perth Regional Railway Act 1972*.

2. Definition

In this Act, unless the contrary intention appears —

“**scheduled railway**” means the portion of the Railway from Fremantle to Guildford described in the First Schedule to this Act.

3. Discontinuance of scheduled railway, and matters incidental thereto

On a date to be proclaimed the scheduled railway shall cease to be operated, and on and from that date —

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- (a) the material comprising the scheduled railway or any portion of that material may be —
 - (i) used in the construction or maintenance of any Government railway as defined by section 2 of the *Government Railways Act 1904*;
 - (ii) used in the construction of any railway authorized to be constructed under any other Act, whether before or after the coming into operation of this Act; or
 - (iii) sold, disposed of, or otherwise dealt with; and
- (b) subject to section 4 of this Act, the costs of the scheduled railway as charged to the Government Railways Capital Account may be omitted from the accounts prepared under Part IV of the *Government Railways Act 1904*.

4. Power to use portion of scheduled railway for limited traffic

- (1) On and from the date proclaimed under section 3 of this Act, The Western Australian Government Railways Commission may, with the approval of the Minister for Railways, use the scheduled railway or such portion thereof as may from time to time be determined by the Commission, for the carriage of grain and grain products, upon such special conditions as may be generally or in any particular case declared by the Commission.
- (2) Nothing in this section or in section 37 of the *Government Railways Act 1904* makes the Commission a common carrier or imposes upon it any of the obligations of a common carrier in relation to the scheduled railway or portion thereof used pursuant to subsection (1) of this section, and while so used the scheduled railway is a Government railway for the purposes of that Act.

5. Authority to discontinue the scheduled railway and to construct the Perth Regional Railway

- (1) It shall be lawful to construct each of the parts of a railway to be called "Perth Regional Railway" described respectively in the Second and Third Schedules to this Act, with all necessary, proper, and usual works in connection therewith, along the lines described respectively for those parts in those Schedules, and it shall be lawful to deviate from those lines at a distance of twenty chains on either side thereof, but no more.
- (2) Before discontinuance in accordance with section 3 of the scheduled railway and before commencement of construction of any part of the Perth Regional Railway referred to in subsection (1) of this section, the Minister shall obtain the approval of Parliament to a report on the results of the engineering and economic studies applicable to that part, such report to be based upon a comprehensive feasibility study and plan relating to the works proposed to be prepared by a competent independent authority.

6. Railway may be temporarily closed

Notwithstanding the provisions of subsection (2) of section 5 of this Act that portion of the scheduled railway as is situated between a point 11 miles 9 chains and a point 12 miles 9 chains from the commencement of that railway may on a date to be proclaimed be temporarily closed as a result of traffic or engineering problems which may arise from time to time or for the purposes of this Act.

First Schedule

First Schedule

[Section 2]

Description of portion of the Railway from Fremantle to Guildford

The portion of the Railway from Fremantle to Guildford, as authorized by The Eastern Railway Act 1878 (42 Victoriae No. 27), commencing at a point about 2 miles 2 chains from the commencement of that Railway, and being more particularly a point on the western prolongation of the northern alignment of Leslie Road in the suburb of North Fremantle, and thence proceeding as described in the Schedule to that Act to a point about 12 miles 9 chains from the commencement of that Railway, and being more particularly a point on the northerly prolongation of the eastern alignment of Barrack Street in the city of Perth, the portion being in total length about 10 miles 7 chains, as more particularly set out and delineated in red on C.E. Plan No. 64936, but excluding from the portion the area of Leighton Marshalling Yard that extends north of Leslie Road, as more particularly set out and coloured blue on C.E. Plan No. 64961.

Second Schedule

[Section 5]

Part 1 of Perth Regional Railway

Description of Line

Commencing at a point 10 miles 9 chains 50 links from the commencement of the Railway from Fremantle to Guildford, as authorized by The Eastern Railway Act 1878 (42 Victoriae No. 27), and being more particularly a point on the southerly prolongation of the western alignment of Kimberley Street in the suburb of Leederville, and proceeding in an easterly direction for a distance of 14 chains, thence in an east by south-easterly direction for a distance of 18 chains, thence in a south-east by southerly direction for a distance of 39 chains, thence in an east-south-easterly direction for a distance of 132 chains, thence in an east by northerly direction for a distance of 27 chains, thence in an east by southerly direction for a distance of 95 chains, thence in a south-east by southerly direction for a distance of 21 chains, thence in a southerly direction for a distance of 18 chains, thence in a south-south-easterly direction for a distance of 14 chains, thence in a south-easterly direction for a distance of 22 chains, terminating at a point 3 miles 12 chains from the commencement of the Railway from Bayswater to Bunbury, as authorized by The South-Western Railway Act 1891 (54 Victoriae No. 14) as amended by The South-Western Railway Act 1891, Amendment Act 1892 (55 Victoriae No. 30), and being more particularly a point on the southern prolongation of the western alignment of Goddard Street in the suburb of Victoria Park, the total distance of this part being 5 miles, and so that portion of it will be in a tunnel, at a depth below natural surface to be determined by The Western Australian Government Railways Commission, between points 22 chains and 2 miles 74 chains respectively from the commencement of this part, all measurements of this part being more or less, and the line of this part being as more particularly set out and delineated in red on C.E. Plan No. 64937.

Third Schedule

Third Schedule

[Section 5]

Part 2 of Perth Regional Railway

Description of Line

Commencing at a point 2 miles 50 chains from the commencement of Part 1 of Perth Regional Railway as described in the Second Schedule to this Act, and proceeding in a north-easterly direction for a distance of 7 chains, thence in a north-north-easterly direction for a distance of 15 chains, thence in a northerly direction for a distance of 26 chains, thence in a north by westerly direction for a distance of 22 chains, thence in a north by easterly direction for a distance of 12 chains, terminating at a point 13 miles 21 chains from the commencement of the Railway from Fremantle to Guildford, as authorized by The Eastern Railway Act 1878 (42 Victoriae No. 27), and being more particularly a point on the easterly prolongation of the northern alignment of Windsor Street in the suburb of East Perth, the total distance of this part being 1 mile 2 chains, and so that portion of it will be in a tunnel, at a depth below natural surface to be determined by The Western Australian Government Railways Commission, between the commencement point of this part and another point 60 chains from that commencement point, all measurements of this part being more or less, and the line of this part being more particularly set out and delineated in red on C.E. Plan No. 64937.

Notes

- ^{1.} This is a compilation of the *Perth Regional Railway Act 1972* 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>Perth Regional Railway Act 1972</i>	101 of 1972	6 Dec 1972	6 Dec 1972
