

Western Australia

**Railways (Standard Gauge) Construction Act
1961**

As at 28 Jun 2010

Version 01-b0-02

Extract from www.slp.wa.gov.au, see that website for further information

Western Australia

Railways (Standard Gauge) Construction Act 1961

CONTENTS

1.	Short title	1
2.	Authority to construct railway lines	1
3.	Authority to deviate	1
4.	<i>State Transport Co-ordination Act 1933</i> s. 11(7) not to apply to railways	2

First Schedule

Kalgoorlie-Perth Railway

Third Schedule

Midland

Junction-Kewdale-Welshpool Railway

Fourth Schedule

Kewdale-Kwinana Railway

Fifth Schedule

Kalgoorlie-Kamballie Railway

Notes

Compilation table	7
-------------------	---

Railways (Standard Gauge) Construction Act 1961

An Act to authorise the construction of a railway from Kalgoorlie to Kwinana, Midland Junction to East Perth, Kewdale to Kwinana, and Kalgoorlie to Kamballie.

[Long title amended by No. 64 of 1963 s. 2.]

1. Short title

This Act may be cited as the *Railways (Standard Gauge) Construction Act 1961*¹.

2. Authority to construct railway lines

It shall be lawful to construct and maintain the several railways, with all necessary, proper and usual works and conveniences in connection therewith, along the lines described respectively in the First, Third, Fourth and Fifth Schedules.

[Section 2 amended by No. 64 of 1963 s. 3.]

3. Authority to deviate

Notwithstanding anything contained in the *Public Works Act 1902*, it shall be lawful to deviate from that portion of the line as described in the First Schedule which consists of the portion of the line from Kalgoorlie to Koolyanobbing to the extent of 10 miles on either side thereof, and to deviate from that portion of the line as so described which consists of the portion of the line from Koolyanobbing to East Northam to the extent of 5 miles on either side thereof, and to deviate from the

s. 4

balance of such line at a distance of one mile on either side thereof.

[Section 3 inserted by No. 64 of 1963 s. 4.]

4. *State Transport Co-ordination Act 1933* s. 11(7) not to apply to railways

The provisions of section 11(7) of the *State Transport Co-ordination Act 1933*², do not apply to the construction of the several railways authorised by this Act.

First Schedule

[Section 2]

Kalgoorlie-Perth Railway

Description of Main Line of Railway

Commencing at a point in the Kalgoorlie station yard at which connection can be made to the existing 4 feet 8½ inches gauge Commonwealth railway and proceeding thence in a general westerly direction to a point adjacent to Koolyanobbing Hill on the area leased to Broken Hill Pty. Co. Ltd. (Yilgarn Loc. 1425) and thence in a general south-westerly and southerly direction to a point adjacent to Southern Cross Station and thence alongside the 3 feet 6 inches gauge railway built under Act number 55 Victoriae 12 of 1892³ to East Northam and thence in, a north-westerly direction along the valley of the Avon River to Toodyay and thence generally in, a north-westerly, westerly and south-westerly direction, along the valley of the Avon River to a point alongside The Midland Railway Company of Western Australia Limited's railway about 7½ miles north of Midland Junction and thence in a southerly direction alongside The Midland Railway Company of Western Australia Limited's railway to a point about 3 miles north of Midland Junction and thence in a south-easterly direction to a point alongside the 3 feet 6 inches gauge railway at Bellevue and thence alongside the 3 feet 6 inches gauge railway built under Act numbered 44 Victoriae 18 of 1881³ to a point between East Perth and Perth.

[First Schedule inserted by No. 64 of 1963 s. 5.]

[Second Schedule deleted by No. 64 of 1963 s. 6.]

Third Schedule

Third Schedule

[Section 2]

Midland Junction-Kewdale-Welshpool Railway

Description of Main Line of Railway

Commencing at a point in Midland Junction station yard and proceeding thence in a westerly direction to West Midland and thence in a southerly direction alongside the railway to Kewdale and Welshpool authorised under Act number 62 of 1957⁴.

[Third Schedule inserted by No. 64 of 1963 s. 7.]

Fourth Schedule

[Section 2]

Kewdale-Kwinana Railway

Description of Main Line of Railway

Commencing at a point in the Kewdale marshalling yard and proceeding thence generally in a southerly and south-westerly direction to junction with the Spearwood-Cockburn Cement railway constructed under Act number 33 of 1961⁵ and thence in both a southerly direction to the southern terminus of the Coogee-Kwinana railway and a westerly and northerly direction to North Fremantle parallel to the 3 feet 6 inches gauge railways built under Acts numbered 3 Edward VII 17 of 1904⁶, 61 Victoriae 31 of 1897³ and 42 Victoriae 27 of 1878³, and thence to Rocky Bay parallel to the railway built under Act number 63 Victoriae 51 of 1899³. Also from Robb Jetty to Woodman Point parallel to the railway built under Act number 2 Edward VII 40 of 1902⁶.

[Fourth Schedule inserted by No. 64 of 1963 s. 8.]

Total length of railways referred to in the above Schedules about 460 miles. The whole to be located as shown in red on maps marked C.E. Plans numbered 54405, 54406 and 54407 deposited pursuant to section 96 of the *Public Works Act 1902*.

[Fourth Schedule inserted by No. 64 of 1963 s. 8.]

Fifth Schedule

Fifth Schedule

[Section 2]

Kalgoorlie-Kamballie Railway

Description of Main Line of Railway

Commencing at a point in the Kalgoorlie station yard and thence proceeding generally in an easterly and south-easterly direction on the route of the railway constructed under Act 61 Victoriae number 18 of 1897³ and terminating at a point in the Kamballie station yard.

Total length about 5 miles to be located as shown in red on map marked C.E. Plan 51753 deposited pursuant to the *Public Works Act 1902*, section 96.

Notes

- ¹ This is a compilation as at of the *Railways (Standard Gauge) Construction Act 1961* and includes the amendments made by the other written laws referred to in the following table ^{1a}. The table also contains information about any reprint.

Compilation table

Short title	Number and year	Assent	Commencement
<i>Railways (Standard Gauge) Construction Act 1961</i>	27 of 1961	30 Oct 1961	30 Oct 1961
<i>Railways (Standard Gauge) Construction Act Amendment Act 1963</i>	64 of 1963	18 Dec 1963	18 Dec 1963

Reprint 1: The Railways (Standard Gauge) Construction Act 1961 as at 14 Mar 2003
(includes amendments listed above)

- ^{1a} On the date as at which this compilation was prepared, provisions referred to in the following table had not come into operation and were therefore not included in this compilation. For the text of the provisions see the endnotes referred to in the table.

Provisions that have not come into operation

Short title	Number and year	Assent	Commencement
<i>Standardisation of Formatting Act 2010 s. 5</i> ⁷	19 of 2010	28 Jun 2010	To be proclaimed (see s. 2(b))

- ² Repealed by the *State Transport Co-ordination Act 1966* which was repealed by the *State Transport Co-ordination Act 1981* which was repealed by the *Acts Amendment and Repeal (Transport Co-ordination) Act 1985*.
- ³ Repealed by the *Statute Law Revision Act 1964*.
- ⁴ *Midland Junction-Welshpool Railway Act 1957*.
- ⁵ *Spearwood-Cockburn Cement Pty. Limited Railway Act 1961*.
- ⁶ Repealed by the *Statute Law Revision Act 1965*.
- ⁷ On the date as at which this compilation was prepared, the *Standardisation of Formatting Act 2010 s. 5* had not come into operation. It reads as follows:

5. Schedule headings in railway Acts replaced

- (1) This section amends the Acts listed in the Table.

- (2) In each Schedule listed in the Table delete all of the Schedule before “Commencing at” and insert the identifier, title and shoulder note set out in the Table as a heading to the Schedule in the current format.

Table

Act	Identifier	Title	Shoulder note
<i>Railways (Standard Gauge) Construction Act 1961</i>	First Schedule	Line of Kalgoorlie - Perth Railway	[s. 2]
	Third Schedule	Line of Midland Junction - Kewdale - Welshpool Railway	[s. 2]
	Fourth Schedule	Line of Kewdale - Kwinana Railway	[s. 2]
	Fifth Schedule	Line of Kalgoorlie - Kamballie Railway	[s. 2]