

Western Australia

**Clackline-Bolgart and Bellevue-East
Northam Railway Discontinuance and
Land Revestment Act 1965**

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Clackline-Bolgart and Bellevue-East Northam Railway Discontinuance and Land Revestment Act 1965

An Act to authorize the discontinuance of the operation of the Clackline-Bolgart Railway and the Bellevue-East Northam Railway and to revest in Her Majesty portion of the land comprised therein and for incidental and other purposes.

[Assented to 25th November, 1965]

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 *Clackline-Bolgart and Bellevue-East Northam Railway Discontinuance and Land Revestment Act 1965*.

2. Commencement

- (1) Except as provided in subsection (2) of this section, this Act shall come into operation on the date on which it receives the Royal Assent.

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- (2) The sections of this Act, other than sections one and two thereof, shall each come into operation on such date or dates as are respectively fixed by proclamation.

3. Discontinuance of Clackline-Bolgart Railway

On and from the date of the coming into operation of this section the line of railway described in the First Schedule to this Act shall cease to be operated until the Governor otherwise declares.

4. Discontinuance of Bellevue-East Northam Railway

On and from the date of the coming into operation of this section, the line of railway described in the Second Schedule to this Act shall cease to be operated until the Governor otherwise declares.

5. Disposal of property comprising discontinued railway

- (1) Subject to section eight of this Act, the Minister for Railways may direct that all or any of the material comprising any railway that is no longer operated pursuant to this Act shall be —
- (a) used in the maintenance of any Government railway as defined by section two of the *Government Railways Act 1904*;
 - (b) used in the making of any railway for Her Majesty in the State that is made under the authority of a special Act as required by section ninety-six of the *Public Works Act 1902*, whether that authority is conferred before or after the coming into operation of this Act; and
 - (c) be sold, disposed of, or otherwise dealt with.
- (2) A direction given by the Minister for Railways pursuant to this section has, and shall be given effect, according to its tenor.

6. Authority to omit cost of discontinued railway from accounts

Subject to section eight of this Act, the cost of any railway that is no longer operated pursuant to this Act, as charged to the Government Railways Capital Account, may be omitted from the accounts prepared under Part IV of the *Government Railways Act 1904*.

7. Revestment of certain land in Her Majesty

Subject to sections three and four of this Act, notwithstanding any other Act, the land described in the Third Schedule and Fourth Schedule to this Act, being portion of the land comprised in the railway described in the First Schedule and Second Schedule, respectively, to this Act, is hereby revested in Her Majesty as of Her former estate and is hereby removed from the operation of the *Transfer of Land Act 1893*.

8. Power to use portion of railway for limited traffic

- (1) On and from the date of the coming into operation of this section, the Western Australian Government Railways Commission may, with the approval of the Minister for Railways, use the line of railway described in the Second Schedule to this Act or such portion thereof as may from time to time be determined by the Commission, for the carriage of iron ore, 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 thirty-seven 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 railway or portion thereof used pursuant to subsection (1) of this section, and while so used the railway is a Government railway for the purposes of that Act.

The First Schedule

The First Schedule

[Section 3]

DESCRIPTION OF CLACKLINE-BOLGART RAILWAY

- (a) Commencing at a point 51 miles 3 chains 01.8 links from Perth on the Bellevue-East Northam Railway and proceeding generally in a northerly direction for 14 miles 27 chains 85.2 links and terminating at a point 65 miles 30 chains 87 links from Perth on the Clackline-Bolgart Railway, a total length of 14 miles 27 chains 85.2 links being part of the railway line authorized to be constructed pursuant to The *Clackline-Newcastle Railway Act 1887* (51 Victoriae No. 11).
- (b) Commencing at a point 65 miles 30 chains 87 links from Perth on the Clackline-Bolgart Railway and proceeding generally in a north-westerly direction for 1 mile 65 chains 88 links and terminating at a point 67 miles 16 chains 75 links from Perth on the Clackline-Bolgart Railway a total length of 1 mile 65 chains 88 links being part of the railway line authorized to be constructed pursuant to the *Newcastle—Bolgart Railway Act 1907* (7 Edward VII No. 32).

The Second Schedule

[Section 4]

DESCRIPTION OF BELLEVUE-EAST NORTHAM RAILWAY

- (a) Commencing at a point 11 miles 62 chains 00 links from Perth on the Bellevue-East Northam Railway and proceeding generally in an easterly by north-east direction for 48 miles 60 chains 59.8 links and terminating at a point 60 miles 42 chains 59.8 links from Perth on the Bellevue-East Northam Railway, a total length of 48 miles 60 chains 59.8 links being part of the railway line authorized to be constructed pursuant to The *Eastern Railway Extension Act 1881* (44 Victoriae No. 18), The *Eastern Railway (Further) Amendment Act 1882* (46 Victoriae No. 16), The *Eastern Railway Improvement Act 1893* (57 Victoriae No. 29).
- (b) Commencing at a point 60 miles 44 chains 20.1 links from Perth on the Spencer's Brook-York Railway and proceeding generally in an east by south-east direction for 0 miles 41 chains 9.9 links and terminating at a point 61 miles 05 chains 30 links from Perth on the Spencer's Brook-York Railway, a total length of 0 miles 41 chains 9.9 links being part of the railway line authorized to be constructed pursuant to The *Eastern Railway (Further) Amendment Act 1882* (46 Victoriae No. 16).
- (c) Commencing at a point 60 miles 42 chains 59.8 links from Perth on the Bellevue-East Northam Railway and proceeding generally in an easterly direction for 0 miles 41 chains 75.2 links and terminating at a point 61 miles 4 chains 40 links from Perth on the Bellevue-East Northam Railway, a total length of 0 miles 41 chains 75.2 links being part of The *astern Railway, Spencer's Brook-Northam Branch Act 1886* (50 Victoriae No. 3).

The Second Schedule

- (d) Commencing at a point 66 miles 62 chains 50 links from Perth on the Bellevue-East Northam Railway and proceeding generally in a north-easterly direction for 0 miles 62 chains 10 links and terminating at a point 67 miles 44 chains 60 links from Perth on the Bellevue-East Northam Railway, a total length of 0 miles 62 chains 10 links being part of the railway line authorized by The *Yilgarn Railway Act 1892* (55 Victoriae No. 12).

The Third Schedule

[Section 7]

- (a) The portion of land commencing at the northern boundary of the Bellevue-East Northam Railway in the Clackline Townsite and finishing at a point being 830 links measured along the north-eastern boundary in a north-westerly direction from the north-west boundary of that portion of Avon Location contained in Certificate of Title Volume 1192 folio 47 the subject of L.T.O. Diagram 3263 and being more particularly described and delineated on C.E. Plan 56990.
- (b) The portion of land commencing at a point being 1060 links measured along the north-eastern boundary in a north-westerly direction from the north-west boundary of that portion of Avon Location V contained in Certificate of Title Volume 1192 folio 47 the subject of L.T.O. Diagram 3263 and finishing at a point being 600 links measured along the eastern boundary in a northerly direction from the northern alignment of the Golf Links Road and being more particularly described and delineated on C.E. Plan 56990.
- (c) Commencing at the southern alignment of Piesse Street in the Toodyay Townsite and finishing at the northern boundary of Toodyay town lot 194 and being more particularly described and delineated on C.E. Plan 56990.
- (d) Commencing at the southern boundary of Toodyay town lot 193 and being more particularly described and delineated on C.E. Plan 56990 and finishing at a point being 10 links measured along the north-western boundary in a north-easterly direction from the northern boundary of that portion of Avon Location U3 being subject of L.T.O. Diagram 6230 and being more particularly described and delineated on C.E. Plan 56978.

The Fourth Schedule

The Fourth Schedule

[Section 7]

- (a) The portion of land commencing east and north-east of a point on the Bellevue-East Northam Railway situated at the intersection of the southern boundary with the eastern alignment of Henkin Street, Bellevue L.T.O. Plan 1796, and being more particularly described and delineated on C.E. Plan 56948 and finishing at a point at Spencer's Brook being 940 links measured along the south-east boundary of the Spencer's Brook-Northam Branch in a north-easterly direction from the north-east alignment of Forrest Street; and at a point at Spencer's Brook being 1410 links measured along the north-east boundary of the Spencer's Brook-York Railway in a south-easterly direction from the north-east boundary of Avon Location e and being more particularly described and delineated on C.E. Plan 56972.
- (b) The portion of land commencing north-east of a point on the Bellevue-East Northam Railway situated 20 links north-east of the south-western boundary of Northam Town Lot 79, and being more particularly described and delineated on C.E. Plan 57009 and finishing at a point on the Bellevue-East Northam Railway being the north-western alignment of Wellington Street near its intersection with Peel Street in the Town of Northam and being more particularly described and delineated on C.E. Plan 57009.

Notes

- ^{1.} This is a compilation of the *Clackline-Bolgart and Bellevue-East Northam Railway Discontinuance and Land Revestment Act 1965* and includes all amendments effected by the other Acts referred to in the following Table.

Table of Acts

Act	Number and Year	Assent	Commencement	Miscellaneous
<i>Clackline-Bolgart and Bellevue-East Northam Railway Discontinuance and Land Revestment Act 1965</i>	68 of 1965	25 November 1965	Sections 1 and 2 operative 25 November 1965; Balance proclaimed 10 June 1966; (see section 2 and <i>Gazette</i> 10 June 1966 pp.1600-1	