

KALGOORLIE TO PORT AUGUSTA RAILWAY.

No. 7 of 1911.

An Act to provide for the Construction of a Railway from Kalgoorlie in the State of Western Australia to Port Augusta in the State of South Australia, the acquisition of the necessary land, the appointment of officers, the making of charges, and the appropriation of money in connexion with such Railway.

[Assented to 12th December, 1911.]

WHEREAS by the Constitution it is enacted that the Parliament may make laws for the peace order and good government of the Commonwealth with respect to railway construction and extension in any State with the consent of that State :

Preamble.

And whereas by an Act called *The Northern Territory Surrender Act 1907* the State of South Australia has consented to and authorized the construction by the Commonwealth of a railway westerly from any point on the Port Augusta railway through South Australia to any point on the western boundary of South Australia by a route to be determined by the Parliament of the Commonwealth :

And whereas it is desirable to authorize the construction and working of a railway from Kalgoorlie in the State of Western Australia to Port Augusta in the State of South Australia, which railway includes the said railway authorized to be constructed by the *Northern Territory Surrender Act 1907* :

Be it therefore enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows :—

1. This Act may be cited as the *Kalgoorlie to Port Augusta Railway Act 1911*.

Short title.

2. In this Act, unless the contrary intention appears—

Definitions.

“the Minister” means the Minister of State for Home Affairs ;

“the Railway” means the railway authorized by this Act.

Power to
construct the
Railway.

3.—(1.) Upon an Act of the Parliament of the State of Western Australia being passed consenting to legislation by the Parliament of the Commonwealth with respect to the construction of the portion of the Railway included in the State of Western Australia or consenting to the construction of that portion of the Railway by the Commonwealth, the Minister may, subject to this Act, construct a Railway from Kalgoorlie in the State of Western Australia to Port Augusta in the State of South Australia.

(2.) The construction of the Railway shall not be commenced until the States of Western Australia and South Australia respectively have granted or agreed to grant to the satisfaction of the Minister such portions of the Crown lands of the State as are in the opinion of the Minister necessary for the purposes of the construction, maintenance, and working of the Railway.

Route of the
Railway.

4. The route of the Railway shall be as described in the Schedule, but the Minister may make such deviations as are reasonable for the better construction and working of the Railway.

Gauge of line

5. The gauge of the Railway shall be four feet eight and a half inches.

Railway need
not be fenced.

6. The Minister shall not be required to fence any portion of the Railway but he may erect and maintain such fences in connexion therewith as he thinks proper.

Engines to be
used.

7. The Minister may utilize in the construction and working of the Railway line engines worked by steam or other mechanical power.

Provision for
incidental
matters.

8. The Minister may provide all things necessary or convenient for the efficient construction and working of the Railway and may permit the rolling-stock of any State Railway to run on or over the Railway or any part thereof.

Incidental
buildings and
works.

9. The Minister may erect or make all such stations, buildings, approaches, bridges, culverts, apparatus, dams, tanks, plant, works, conveniences, and structures as he considers necessary or desirable in connexion with the efficient construction and working of the Railway.

Special powers
in South
Australia.

10. For the purposes of the construction and working of the Railway the Minister shall have and may exercise in the State of South Australia all the powers and authorities vested in the Government of that State or any authority of that State by any State Act relating to railway construction or working to the same extent as if the Railway were a State Railway and the Minister were the proper State authority for the construction and working thereof.

Special powers
in Western
Australia.

11. For the purposes of the construction and working of the Railway the Minister shall have and may exercise in the State of Western Australia all the powers and authorities vested in the Government of that State or any authority of that State by any

State Act relating to railway construction or working to the same extent as if the Railway were a State Railway and the Minister were the proper State authority for the construction and working thereof.

12. The Minister may make by-laws for the regulation, government, protection, and working of the Railway, and may if he thinks fit adopt, with necessary modifications, the by-laws in force relating to the South Australian State Railways so far as concerns any part of the Railway in the State of South Australia, and may if he thinks fit adopt with modifications the by-laws relating to the Western Australian State Railways so far as concerns any part of the Railway in the State of Western Australia. Such by-laws shall be deemed regulations within the meaning of section ten of the *Acts Interpretation Act 1904*.

By-laws.

13. The Minister may permit any part of the Railway to be used for the carriage of passengers and goods before it has been declared open for traffic, but in that case all passengers shall be carried at their own risk and all goods shall be carried at the risk of the owners thereof and the Minister shall incur no responsibility for any injury or damage to any such passengers or goods.

Use of the Railway before it is open for traffic.

14.—(1.) By arrangement with any State, the Minister may—

- (a) connect the Railway with any State Railway; or
- (b) permit any State Railway to be connected with the Railway; and
- (c) run trains or rolling-stock of the Commonwealth over any State Railway with which the Railway is connected.

Power to connect with State Railways

(2.) No connexion which involves the construction of more than one mile of additional line of railway shall be made by the Minister in pursuance of this section.

15.—(1.) The Minister may charge such fares and rates for the carriage of passengers and goods on the Railway and make such incidental charges in connexion with the Railway as he thinks reasonable.

Fares and rates.

(2.) All schedules of fares and rates made by the Minister shall be laid before the Senate and the House of Representatives within thirty days after the making thereof if the Parliament is then sitting and if Parliament is not then sitting, within thirty days after the next meeting of the Parliament.

16. The Minister may appoint, for any period not extending six months beyond the date on which the line shall be declared open for traffic, all such officers as he thinks necessary for the purposes of the construction or working of the Railway and may authorize the employment of any persons for those purposes.

Appointment of officers.

17. All moneys received in respect of the Railway shall be paid to and form part of the Consolidated Revenue Fund of the Commonwealth.

Receipts to go to Consolidated Revenue Fund.

Books of
reference or
plans not
necessary.

18. Notwithstanding anything in any State Act, the Minister need not cause any book of reference or plan to be made or deposited with any State authority in connexion with the Railway.

Acquisition of
lands.

19. Any private lands may be acquired by the Commonwealth for the purposes of the Railway under the provisions of the *Lands Acquisition Act* 1906 and the value of any lands acquired by compulsory process, under that Act shall be assessed according to the value of the lands on the nineteenth day of September One thousand nine hundred and eleven.

Appropriation
of moneys.

20. All moneys necessary for the payment of the cost of construction of the Railway up to and including the time of the opening of the Railway for traffic shall be payable out of the Consolidated Revenue Fund or out of any moneys standing to the credit of the Loan Fund, according to appropriations made by Parliament for that purpose.

THE SCHEDULE.

Commencing at Kalgoorlie the line follows the existing railway to Kanowna for a little over 6 miles, thence bearing generally south-easterly to the township of Bulong; thence for about 17 miles in the same general direction, being situated near the Westralia Timber Company's tramway; thence running almost due east adjacent to the 31st parallel of latitude for about 357 miles; thence on a bearing north 79 degrees east until the South Australian border is reached at about 461 miles 77 chains 89 links from centre of Kalgoorlie station platform; thence in the State of South Australia the line runs in the direction 10 degrees north of east, cutting Cornish's line in latitude 30 degrees 28 minutes, and striking the sandhill country 170 miles east from the Border and $3\frac{3}{4}$ miles south from Ooldea Well; thence through the sandhills for 108 miles in a general easterly direction, passing about $\frac{1}{4}$ of a mile south of Wynbring Rock; thence in a direct course to the north side of Kychering Hills, and continuing in a straight line to the western boundary of the Wilgena Station, which is crossed at a point $3\frac{1}{2}$ miles north of Pinding Rockhole; thence in an easterly direction to Tarcoola. From Tarcoola the line runs easterly to near Wilgena Hill continuing in a south-easterly direction, and passing about 1 mile north of the Wilgena head station; thence running easterly skirting near the south-west end of Lake Moolkra and passing along the north side of the hill near Earea Dam, to about 885 miles from Kalgoorlie, $\frac{1}{2}$ a mile south of Coondambo head station, thence passing immediately south of Lake Hart; thence to a crossing of Eucolo Creek at about 931 $\frac{1}{2}$ miles from Kalgoorlie; thence ascending and following the open tableland to a point opposite Lake Windabout where it descends and crosses that Lake at about 969 miles, continuing in a generally south-eastern direction past Oakden Hills head station at Bellamy's Well, passing Gibson's Camp at 1,007 miles, No. 1 Tank at 1,029 $\frac{1}{2}$ miles, and leaving the main north-west track from Port Augusta near the 14-mile dam, contouring the southern slope of the high ground on the west side of Spencer's Gulf, crossing the head of the Gulf at Yorkey's Crossing at about 1,055 miles, and thence passing along the eastern shores of Spencer's Gulf reaching the township of Port Augusta at about 1,059 miles 73 chains, thence proceeding to a point near the intersection of Tassie-street and Thompson-street, thence crossing Mackay-street, Jervois-street, Langford-street, and Flinders-terrace, crossing the west corner of the old cemetery and entering the Park Lands finally joining the Quorn-Port Augusta Railway at about 1,061 miles 76 chains from Kalgoorlie and about 30 chains from the centre of Port Augusta platform.

A branch line to Port Augusta wharves leaves the main line to the right between Caroline-street and Tassie-street at about 1,061 miles 1 chain from Kalgoorlie, joining the existing wharf lines.