

Yallingup Foreshore Land Bill 2002

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Western Australia

LEGISLATIVE ASSEMBLY

Yallingup Foreshore Land Bill 2002

A Bill for

An Act to make provision about the resumption of, and the application of certain provisions to, certain land in the vicinity of the Yallingup foreshore, and for related purposes.

The Parliament of Western Australia enacts as follows:

1. Short title

This Act may be cited as the *Yallingup Foreshore Land Act 2002*.

2. Commencement

This Act comes into operation on the day on which it receives the Royal Assent.

3. Definitions

5 In this Act —

“**land**” means the land at Yallingup that was the subject of a land resumption notice published in the *Gazette* on 9 December 1938 at page 2112;

“**liability**” includes a duty or obligation;

10 “**resumption**” means the resumption of the land that took effect, or purported to take effect, under the *Public Works Act 1902* on 9 December 1938;

“**right**” includes an interest or status.

4. Yallingup foreshore land validly and effectively resumed

15 (1) Subsection (2) applies if, and to any extent to which, the resumption was invalid or ineffective.

(2) The rights and liabilities of all persons are declared to be, and always to have been, the same as if the resumption had been valid and effective in all respects.

20 **5. Certain repealed provisions do not apply to Yallingup foreshore land**

(1) The rights and liabilities of all persons are declared to be, and always to have been, the same as if the repealed provisions never applied to the land.

(2) In subsection (1) —

“repealed provisions” means —

- 5 (a) the provision that was enacted as section 29 of the *Public Works Act 1902* and repealed by the *Public Works Act Amendment Act 1955*;
- (b) the provision that was enacted as section 29 of the *Public Works Act 1902* by the *Public Works Act Amendment Act 1955* and repealed by the *Acts Amendment (Land Administration) Act 1997*;
- 10 (c) the provision that was enacted as section 29A of the *Public Works Act 1902* by the *Public Works Act Amendment Act 1955* and repealed by the *Acts Amendment (Land Administration) Act 1997*; and
- 15 (d) the provision that was enacted as section 29B of the *Public Works Act 1902* by the *Public Works Act Amendment Act 1965* and repealed by the *Acts Amendment (Land Administration) Act 1997*,
- and includes those provisions as they were in effect at any time.

20 **6. Certain current provisions do not apply to Yallingup foreshore land**

- (1) Sections 190 and 191 of the *Land Administration Act 1997* do not apply to the land.
- 25 (2) The rights and liabilities of all persons are declared to be, and always to have been, the same as if sections 190 and 191 of the *Land Administration Act 1997* never applied to the land.

7. Treasurer may make payment in respect of legal costs incurred in relation to Yallingup foreshore land

- 30 (1) The Treasurer of the State may make payment in such amount as the Treasurer considers to be appropriate in respect of legal costs incurred in proceedings of a kind referred to in

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section 200(3) of the *Land Administration Act 1997* in relation to the land.

- 5 (2) Any money payable under a decision of the Treasurer under subsection (1) is to be charged to the Consolidated Fund which to the extent necessary is appropriated accordingly.

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