

Western Australia

LEGISLATIVE COUNCIL

## **Railway Discontinuance Bill 2000**

**A Bill for**

**An Act to provide for the discontinuance of certain portions of railway and to authorise the disposition of certain material and land, and for incidental purposes.**

The Parliament of Western Australia enacts as follows:

**1. Short title**

This Act may be cited as the *Railway Discontinuance Act 2000*.

**2. Commencement**

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

**3. Definitions**

5 In this Act —

“**Commission**” means The Western Australian Government Railways Commission constituted under the *Government Railways Act 1904*;

10 “**Minister for Lands**” means the Minister responsible for the administration of the *Land Administration Act 1997*;

“**scheduled land**” means the land described in Schedule 1 and Schedule 2;

“**scheduled railways**” means the portions of railway constructed on the scheduled land.

15 **4. Discontinuance of scheduled railways, and incidental matters**

The scheduled railways are discontinued, and the material comprising the scheduled railways, or any portion of that material, may be —

- 20 (a) used in the construction or maintenance of any Government railway, as defined in section 2 of the *Government Railways Act 1904*;
- (b) used in the construction of any railway authorised to be constructed under any other Act; or
- 25 (c) sold, disposed of, or otherwise dealt with.

**5. Disposition of land**

- 5 (1) The Minister for Lands is to transfer to the Commission in fee simple, under the *Land Administration Act 1997*, any land that becomes Crown land by the operation of section 4 of this Act and section 266 of the *Land Administration Act 1997*.
- (2) The Minister for Lands is to transfer land under subsection (1) without requiring the payment of any consideration in respect of that transfer.

**6. Power of Commission to deal with land**

- 10 (1) With the approval of the Minister responsible for the administration of the *Government Railways Act 1904*, the Commission may sell or otherwise dispose of any land transferred to it under section 5.
- 15 (2) The Commission is to credit the proceeds of the sale or disposal of land under subsection (1) to the Western Australian Government Railways General Fund Account referred to in section 54(2) of the *Government Railways Act 1904*.

**Schedule 1 — Scheduled land (Fremantle-Kwinana Railway)**

[s. 3]

5            That portion of the land resumed for the Fremantle-Kwinana Railway,  
being part of the land resumed under authorisation of the *Robb's*  
*Jetty-Woodman's Point Railway Act 1902* and the *Coogee-Kwinana*  
*Railway Act 1952*, more particularly being that portion of land —

- 10            (a) commencing at a point where the southern boundary of the  
road reserve of Robb Road, Spearwood intersects the eastern  
boundary of Reserve 43701 to a point where the projected  
northern boundary of Lot 1 Cockburn Road, Coogee on LTO  
Diagram 10211 intersects the eastern boundary of the railway  
reserve; and
- 15            (b) then from this point to the northern extent of the  
discontinuance authorised under the *Railway*  
*(Coogee-Kwinana Railway) Discontinuance Act 1973*, which  
was 16 miles 70 chains by rail from Perth via Fremantle and  
is approximately 350 metres north of the projected boundary  
of the road reserve of Fairbairn Road, Coogee.

**Schedule 2 — Scheduled land (Midland Junction-Welshpool Railway)**

[s. 3]

5 That portion of land resumed for the Midland Junction-Welshpool  
Railway, being part of the land resumed under authorisation of the  
*Midland Junction-Welshpool Railway Act 1957*, commencing at the  
common boundary of Reserve 44551 and the road reserve of Daddow  
Road, Kewdale and terminating at a point where the common  
10 boundary of the railway reserve and the road reserve of Railway  
Parade, Welshpool intersects the boundary of Lot 156 on LTO  
Diagram 74370 and the boundary of Lot 39 on LTO Plan 2597.

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