

WESTERN AUSTRALIA

**GOVERNMENT RAILWAYS
AMENDMENT ACT 1998**

No. 33 of 1998

AN ACT to amend the *Government Railways Act 1904*.

[Assented to 6 July 1998.]

The Parliament of Western Australia enacts as follows:

Short title

1. This Act may be cited as the *Government Railways Amendment Act 1998*.

Commencement

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

Principal Act

3. In this Act the *Government Railways Act 1904** is referred to as the principal Act.

[* *Reprinted as approved 27 October 1982.*
For subsequent amendments see 1996 Index to Legislation of Western Australia, Table 1, pp. 96-7 and Acts Nos. 1 and 42 of 1997.]

Sections 63A and 63B inserted

4. After section 63 of the principal Act the following sections are inserted —

“

Lease of certain railway land

63A. (1) The Commission may, with the approval of the Governor, let on lease for any purpose all or part of the railway land described in the Table to this subsection that is 5 metres or more above the surface of the railway track.

TABLE

The portion of railway land bounded at its southern end by the north-eastern boundary of Joondalup Drive and the north-western boundary of Grand Boulevard, as shown on Office of Titles Plan 19050, near the intersection of those roads, and at its other end by the eastern boundary of Joondalup Drive, as shown on Office of Titles Plan 17248, near its intersection with Shenton Avenue.

(2) The Commission may, with the approval of the Governor, let on lease for any purpose all or part of any railway land that is above a railway tunnel within the Subiaco redevelopment area.

(3) A lease may be granted under this section for a period not exceeding 99 years on such terms and conditions as the Commission thinks fit.

(4) Land may only be let on lease under this section if it is not required for railway purposes.

(5) In subsection (2) —

“**Subiaco redevelopment area**” means the area referred to in Schedule 1 to the *Subiaco Redevelopment Act 1994*.

Lease of railway land to Co-operative Bulk Handling

63B. (1) The Commission may, with the approval of the Governor, let on lease any railway land, and any buildings, workshops or other structures on the land, to Co-operative Bulk Handling Limited for purposes connected with its grain storage and handling business.

(2) A lease may be granted under subsection (1) for a period not exceeding 99 years on such terms and conditions as the Commission thinks fit.

(3) Without limiting subsection (2), a lease under subsection (1) may make provision for Co-operative Bulk Handling Limited to have an option to purchase all or part of the land the subject of the lease.

(4) Land may only be let on lease under subsection (1) if it is not required for railway purposes.

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Section 88 amended

5. Section 88 (2) of the principal Act is repealed and the following subsection is substituted —

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(2) Land leased under section 63 (except when it is leased to Co-operative Bulk Handling Limited) or section 63A is rateable land for the purposes of the *Local Government Act 1995*.

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