

WESTERN AUSTRALIA

**GOVERNMENT RAILWAYS
AMENDMENT ACT 1996**

No. 47 of 1996

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

[Assented to 25 October 1996.]

The Parliament of Western Australia enacts as follows:

Short title

1. This Act may be cited as the *Government Railways Amendment Act 1996*.

Section 61 inserted

2. Before section 62 of the *Government Railways Act 1904**, in Part V, the following section is inserted —

“

Use of railways by other rail service operators

61. (1) The Commission may, with the approval of the Minister, enter into an agreement under which another person is entitled to use a railway or portion of a railway for the purpose of operating a rail service.

(2) The agreement is to be for a period not exceeding 21 years, but this subsection does not prevent a further agreement from being entered into when the agreement comes to an end.

(3) The agreement may include such conditions as the Commission thinks fit and, without limiting the other kinds of conditions that may be included, it may include conditions as to —

- (a) payments of money;
- (b) maintenance of, or improvements to be made to, the railway;
- (c) termination of any right given by the agreement, without any entitlement to compensation, upon the breach of a condition of the agreement or if the Minister considers it to be in the public interest.

(4) For purposes connected with the operation of a rail service in accordance with the agreement, the Commission may, with the approval of the Minister, dispose of, or lease or otherwise grant rights to use, real or personal property.

(5) This section applies despite anything else in this Act or any other enactment.

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[* *Reprinted as approved 27 October 1982.
For subsequent amendments see 1995 Index to
Legislation of Western Australia, Table 1, pp. 93-4.*]