

WESTERN AUSTRALIA

RAILWAY DISCONTINUANCE ACT 1996

No. 46 of 1996

AN ACT to authorize the discontinuance of a certain portion of railway and the disposition of certain lands and for incidental purposes.

[Assented to 25 October 1996.]

The Parliament of Western Australia enacts as follows:

Short title

1. This Act may be cited as the *Railway Discontinuance Act 1996*.

Commencement

2. This Act comes into operation on such day as is fixed by proclamation.

Interpretation

3. In this Act —

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

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

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

Discontinuance of railway and incidental matters

4. The scheduled railway is discontinued and the material comprising the scheduled railway or any portion of that material may be —

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

Certain land revested in Her Majesty

5. All that land shown on Land Titles Office Plan 1961, sheet 1, between the alignment of the western boundary of lot 22

on diagram 399 and a line formed by the southern extension of the boundary between Hawkins Street and Wellington Location 5105 (Reserve 31533) is revested in Her Majesty as of Her former estate and constituted Crown land within the meaning of the *Land Act 1933*.

Disposition of land

6. The Governor may grant to the Commission, for an estate in fee simple, without requiring the payment of any consideration in respect thereof, the land described in section 5 except those portions set aside or required to be set aside for the alignments of Sandridge Road and Hawkins Street.

Power of Commission to deal with land

7. The Commission may, with the approval of the Minister administering the *Government Railways Act 1904*, sell or otherwise dispose of any land granted to it by the Governor under section 6 and any proceeds are to be applied for the purposes of the *Government Railways Act 1904*.

SCHEDULE 1

[Section 3]

That portion of the land resumed for the Bunbury Railway, authorized by *The Railways Act 1878* (42 Victoria No. 31), by notices in the *Gazette* dated 24 March 1887 and 24 August 1893, commencing from the southern boundary of Stirling Street and terminating at a line formed by the southern extension of the boundary between Hawkins Street and Wellington Location 5105 (Reserve 31533).