Western Australia

Railways Discontinuance and Land Revestment Act 1974

Compare between:

[15 Mar 2000, 00-a0-04] and [04 Jul 2006, 00-b0-07]

Western Australia

Railways Discontinuance and Land Revestment Act 1974

An Act to Authorize the Discontinuance of Certain Railways and to Revest in Her Majesty Certain Lands Comprised therein, and for incidental and other purposes.

Be it enacted by the Queen’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows: —

##### 1. Short title

 This Act may be cited as the *Railways Discontinuance and Land Revestment Act 1974*.

##### 2. Commencement

 (1) Subject to subsection (2) of this section, this Act shall come into operation on the day that it receives the Royal Assent.

 (2) Sections 3 to 8 (both inclusive) shall come into operation on such day or days as is or are, respectively, fixed by proclamation.

##### 3. Discontinuance of railway First Schedule

 On and from the coming into operation of this section the railway described in paragraph (a) of the First Schedule shall cease to be operated.

##### 4. Discontinuance of railway Second Schedule

 On and from the coming into operation of this section the railway described in paragraph (a) of the Second Schedule shall cease to be operated.

##### 5. Discontinuance of railway Third Schedule

 On and from the coming into operation of this section the railway described in paragraph (a) of the Third Schedule shall cease to be operated.

##### 6. Discontinuance of railway Fourth Schedule

 On and from the coming into operation of this section the railway described in paragraph (a) of the Fourth Schedule shall cease to be operated.

##### 7. Discontinuance of railway Fifth Schedule

 On and from the coming into operation of this section the railway described in paragraph (a) of the Fifth Schedule shall cease to be operated.

##### 8. Discontinuance of railway Sixth Schedule

 On and from the coming into operation of this section the railway described in paragraph (a) of the Sixth Schedule shall cease to be operated.

##### 9. Use of materials and costs of railways

 Where a railway ceases to operate pursuant to the provisions of this Act —

 (a) the material comprising the railway or any portion of that material may be —

 (i) used in the construction or maintenance of any government railway as defined by section 2 of the *Government Railways Act 1904*;

 (ii) used in the construction of any railway authorized to be constructed under any other Act, whether before or after the coming into operation of this Act; or

 (iii) sold, disposed of, or otherwise dealt with; and

 (b) the costs of the railway as charged to the Government Railways Capital Account may be omitted from the accounts prepared under Part IV of the *Government Railways Act 1904*.

##### 10. Land revestment

 Where a railway ceases to operate pursuant to the provisions of a section of this Act the land in paragraph (b) of the schedule mentioned in that section is revested in Her Majesty as of her former estate and any portion of that land that is under the *Transfer of Land Act 1893*, is hereby removed from the operation of that Act.

First Schedule

*Kalgoorlie‑Gnumballa Lake Railway*

(a) Commencing at a point 603.92 km or thereabouts from Perth on the Kalgoorlie‑Gnumballa Lake Railway and proceeding thence on a bearing of
43o 30' for a distance of 266 m, thence on a bearing of 17o 44' for a distance of 60 m, thence on a bearing of 50o 44' for a distance of 119 m, thence on a bearing of 83o 44' for a distance of 119 m, thence on a bearing of 116o 44' for a distance of 119 m, thence on a bearing of 149o 49' for a distance of 631 m, thence on a bearing of 161o 57' for a distance of 711 m, thence on a bearing of 140o 54' for a distance of 1 825 m, thence on a bearing of 155o 00' for a distance of 150 m, thence on a bearing of 169o 18' for a distance of 250 m, thence on a bearing of 161o 7' for a distance of 389 m, thence on a bearing of 173o 54' for a distance of 410 m, thence on a bearing of 138o 25' for a distance of 679 m, thence on a bearing of 171o 42' for a distance of 235 m, thence on a bearing of 142o 48' for a distance of 215 m, thence on a bearing of 149o 38' for a distance of 194 m, thence on a bearing of 139o 06' for a distance of 210 m, thence on a bearing of 156o 32' for a distance of 229 m, thence on a bearing of 114o 0' for a distance of 271 m, and thence on a bearing of 136o 32' for a distance of 295 m, and terminating at a point 611.212 km or thereabouts from Perth and being a total length of 7.292 km or thereabouts.

The whole being more particularly delineated and shown by a red line on C.E. Plan 66664.

(b) All that portion of land commencing at a point 604.258 km or thereabouts from Perth on the Kalgoorlie‑Gnumballa Lake Railway and being more particularly from a line connecting an angle on the northern boundary of Outridge Terrace to the South west corner of Commonwealth land adjoining the western side of Kalgoorlie Lot 1881, and continuing along the Kalgoorlie‑Gnumballa Railway to a point 611.212 km from Perth.

The whole being more particularly delineated and shown coloured yellow on C.E. Plan 66664.

Second Schedule

*Boulder Townsite Loop Railway*

(a) Commencing at a point 609.185 km or thereabouts from Perth on the Kalgoorlie‑Gnumballa Lake Railway and proceeding thence on a bearing of 173o 54' for a distance of 58 m, thence on a bearing of 201o 00' for a distance of 116 m, thence on a bearing of 228o 7' for a distance of 529 m, thence on a bearing of 200o 27' for a distance of 148 m, thence on a bearing of 172o 46' for a distance of 902 m, thence on a bearing of 136o 38' for a distance of 157 m, thence on a bearing of 100o 30' or a distance of 977 m, thence on a bearing of 66o 0' for a distance of 280 m, thence on a bearing of 114o 0' for a distance of 107 m, terminating at a point 610.784 km from Perth on the Kalgoorlie‑Gnumballa Lake Railway and being a total length of 3.122 km or thereabouts.

The whole being more particularly delineated and shown by a red line on C.E. Plan 66664.

(b) Commencing at a point 609.185 km or thereabouts from Perth on the Kalgoorlie‑Gnumballa Lake Railway and proceeding along the Boulder Townsite Loop and rejoining the Kalgoorlie‑Gnumballa Lake Railway at a point 610.784 km or thereabouts from Perth.

The whole being more particularly delineated and shown coloured yellow on C.E. Plan 66664.

Third Schedule

*The Brown Hill Loop Kalgoorlie‑Gnumballa Lake Railway*

(a) Commencing at a point 611.212 km on the Kalgoorlie‑Gnumballa Lake Railway and proceeding thence on a bearing of 107o 35' for a distance of 104 m, thence on a bearing of 78o 38' for a distance of 104 m, thence on a bearing of 49o 31' for a distance of 104 m, thence on a bearing of 20o 44' for a distance of 296 m, thence on a bearing of 33o 16' for a distance of 324 m thence on a bearing of 337o 4' for a distance of 752 m, thence on a bearing of 302o 25' for a distance of 336 m, thence on a bearing of 341o 23' for a distance of 433 m, terminating at a point 613.676 km via Kamballie from Perth on the Brown Hill Loop Kalgoorlie‑Gnumballa Lake Railway and being a total length of 2.453 km or thereabouts.

The whole being more particularly delineated and shown by a red line on C.E. Plan 66664.

(b) Commencing at a point 611.212 km or thereabouts from Perth on the Kalgoorlie‑Gnumballa Lake Railway and proceeding along the Brown Hill Loop to a point 613.676 km or thereabouts via Kamballie from Perth on the Brown Hill Loop Kalgoorlie‑Gnumballa Lake Railway.

The whole being more particularly delineated and shown coloured yellow on C.E. Plan 66664.

Fourth Schedule

*Coolgardie‑Kalgoorlie Railway*

(a) Commencing at a point 566.676 0 km or thereabouts from Perth on the railway authorized by Act No. 19 of 1895 and proceeding thence on a bearing of 76o 52' for a distance of 210 m or thereabouts, thence on a bearing of 38o 31' for a distance of 420 m or thereabouts, thence on a bearing of 26o 14' for a distance of 1 312 m or thereabouts, thence on a bearing of 8o 45' for a distance of 462 m or thereabouts, thence on a bearing of 19o 45' for a distance of 369 m or thereabouts, thence on a bearing of 37o 26' for a distance of 669 m or thereabouts, thence on a bearing of 24o 00' for a distance of 659 m or thereabouts, thence on a bearing of 40o 09' for a distance of 1 497 m or thereabouts, thence on a bearing of 51o 07' for a distance of 5 238 m or thereabouts, thence on a bearing of 57o 07' for a distance of 6 492 m or thereabouts, thence on a bearing of 43o 45' for a distance of 612 m or thereabouts, thence on a bearing of 57o 45' for a distance of 6 092 m or thereabouts, thence on a bearing of 42o 41' for a distance of 600 m or thereabouts, thence on a bearing of 67o 17' for a distance of 513 m or thereabouts, thence on a bearing of 57o 47' for a distance of 8 235 m or thereabouts, thence on a bearing of 44o 38' for a distance of 3 410 m or thereabouts, and terminating at a point 603.808 6 km or thereabouts from Perth on the Coolgardie‑Kalgoorlie Railway.

(b) All that portion of land commencing at a point 566.298 0 km or thereabouts from Perth on the Coolgardie‑Kalgoorlie Railway and terminating at a point 595.055 0 km from Perth and recommencing at a point 595.105 0 km and terminating at a point 596.201 6 km from Perth. The commencements and termini being more particularly delineated and shown coloured yellow on the insets on C.E. Plan 66889.

Fifth Schedule

*Coolgardie‑Lake Lefroy Railway*

(a) Commencing at a point 566.239 6 km or thereabouts from Perth on the railway authorized by Act No. 21 of 1906 and proceeding thence on a bearing of 76o 52' for a distance of 311 m or thereabouts, thence on a bearing of 167o 20' for a distance of 1 009 m or thereabouts, thence on a bearing of 179o 01' for a distance of 943 m or thereabouts, thence on a bearing of 209o 19' for a distance of 929 m or thereabouts, thence on a bearing of 201o 31' for a distance of 1 217 m or thereabouts, thence on a bearing of 192o 10' for a distance of 819 m or thereabouts, thence on a bearing of 206o 24' for a distance of 798 m or thereabouts, thence on a bearing of 194o 51' for a distance of 662 m or thereabouts, thence on a bearing of 212o 06' for a distance of 408 m or thereabouts, thence on a bearing of 233o 32' for a distance of 426 m or thereabouts, thence on a bearing of 210o 40' for a distance of 966 m or thereabouts, thence on a bearing of 228o 28' for a distance of 694 m or thereabouts, thence on a bearing of 207o 38' for a distance of 1 347 m or thereabouts, thence on a bearing of 198o 07' for a distance of 3 417 m or thereabouts, thence on a bearing of 207o 36' for a distance of 1 014 m or thereabouts, thence on a bearing of 175o 00' for a distance of 4 182 m or thereabouts, thence on a bearing of 137o 00' for a distance of 9 792 m or thereabouts, thence on a bearing of 150o 00' for a distance of 4 018 m or thereabouts, thence on a bearing of 134o 00' for a distance of 12 260 m or thereabouts, thence on a bearing of 139o 00' for a distance of 11 307 m or thereabouts, thence on a bearing of 119o 40' for a distance of 639 m or thereabouts, thence on a bearing of 181o 01' for a distance of 1 419 m or thereabouts, thence on a bearing of 136o 01' for a distance of 712 m or thereabouts, thence on a bearing of 113o 58' for a distance of 361 m or thereabouts, thence on a bearing of 145o 18' for a distance of 604 m or thereabouts, thence on a bearing of 133o 18' for a distance of 781 m or thereabouts, thence on a bearing of 143o 18' for a distance of 368 m or thereabouts, thence on a bearing of 139o 01' for a distance of 1 250 m or thereabouts, thence on a bearing of 154o 01' for a distance of 7 698 m or thereabouts, thence on a bearing of 124o 53' for a distance of 1 594 m or thereabouts, thence on a bearing of 115o 18' for a distance of 2 637 m or thereabouts, thence on a bearing of 97o 09' for a distance of 1 847 m or thereabouts, thence on a bearing of 113o 40' for a distance of 464 m or thereabouts, thence on a bearing of 80o 41' for a distance of 935 m or thereabouts, thence on a bearing of 149o 45' for a distance of 1 262 m or thereabouts, thence on a bearing of 114o 45' for a distance of 544 m or thereabouts, thence on a bearing of 88o 41' for a distance of 215 m or thereabouts, thence on a bearing of 100o 13' for a distance of 415 m or thereabouts, thence on a bearing of 68o 48' for a distance of 862 m or thereabouts, thence on a bearing of 55o 31' for a distance of 613 m or thereabouts, thence on a bearing of 100o 52' for a distance of 402 m or thereabouts, thence on a bearing of 143o 33' for a distance of 825 m or thereabouts, thence on a bearing of 155o 33' for a distance of 459 m or thereabouts, thence on a bearing of 103o 25' for a distance of 1 163 m or thereabouts, thence on a bearing of 150o 42' for a distance of 359 m or thereabouts, and terminating at a point 650.175 0 km or thereabouts from Perth on the Coolgardie‑Norseman Railway.

(b) All that portion of land commencing at a point 566.298 0 km or thereabouts on the Coolgardie‑Norseman railway and terminating at a point 649.973 8 km or thereabouts the commencement and terminus being more particularly delineated and shown coloured yellow on the insets on C.E. Plan 66889.

Sixth Schedule

*Tambellup‑Ongerup Railway*

(a) All that railway having a total length of 152.7 metres or thereabouts commencing at the south western alignment of Corbett Street and thence proceeding in an east by north east direction and terminating at the south western alignment of Whitehead Road, both being roads in the townsite of Gnowangerup.

(b) The whole of the land shown coloured red on C.E. Plan 66851.

Notes

1. This is a compilation of the *Railways Discontinuance and Land Revestment Act 1974* and includes all amendments effected by the other Acts referred to in the following Table.

Compilation table

| **Short title** | **Number and year** | **Assent** | **Commencement** |
| --- | --- | --- | --- |
| *Railways Discontinuance and Land Revestment Act 1974* | 25 of 1974 | 29 Oct 1974 | Sections 3 to 5: proclaimed 15 Mar 2000 (see *Gazette* 14 Mar 2000 p.1139); Sections 6 to 8: proclaimed 30 May 1975 (see *Gazette* 30 May 1975 p. 1590‑1);balance on assent: 29 Oct 1974 |
| **This Act was repealed by the *Statute Law Revision Act 2006* s. 3(1) (No. 37 of 2006) as at 4 Jul 2006 (see s. 2)** |