

MAIN ROADS (No. 2).

No. 70 of 1966.

AN ACT to amend the Main Roads Act, 1930-1966.*[Assented to 12th December, 1966.]*

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:—

Short title
and citation.

1. (1) This Act may be cited as the *Main Roads Act Amendment Act (No. 2), 1966.*

Vol. 16
Reprinted
Acts
approved
for reprint
21st May,
1962, as
amended by
Acts Nos. 69
of 1965 and
7 of 1966.

(2) In this Act the Main Roads Act, 1930-1966, is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Main Roads Act, 1930-1966.

2. This Act shall come into operation on a date to be fixed by proclamation. Commence-
ment.

3. Section six of the principal Act is amended— S. 6
amended.

(a) by adding after the interpretation, “inspector” the following interpretations—

“interest” in relation to land means—

(a) a legal or equitable estate or interest in the land; or

(b) an easement, right, power or privilege in, under, over, affecting, or in connection with the land;

“land” includes an interest in land; ;
and

(b) by substituting for the interpretation, “road” the following interpretation—

“road” means any thoroughfare or highway that the public is entitled to use and any part thereof, and all bridges (including any bridge over or under which a road passes), viaducts, tunnels, culverts, grids, approaches and other things appurtenant thereto or used in connection therewith. .

4. Section twenty-nine of the principal Act is repealed and re-enacted as follows— S. 29
repealed and
re-enacted.

29. (1) When and as often as land is required for the purposes of this Act, the Commissioner— Modes of
acquisition
and pro-
cedure for
taking land.

(a) may acquire the land by negotiation or agreement; or

(b) may enter upon, survey and compulsorily acquire the land under the powers contained in and in accordance with the procedure prescribed by the Public Works Act, 1902.

(2) In addition to the other powers conferred on the Commissioner by this Act, the Commissioner may grant—

(a) a lease or licence to occupy any land acquired by him under this section; and

(b) any interest in that land,

to any person from whom the land was acquired upon such terms and conditions subject to subsection (3) of this section as he thinks fit and of which the Minister approves.

(3) Where the Commissioner pursuant to paragraph (b) of subsection (2) of this section, grants an interest that is an easement, unless the parties concerned otherwise agree, the easement shall not be revoked without compensation.

(4) The Commissioner may enter into agreements relating to such other matters and things as are necessary to give effect to the powers conferred on the Commissioner by this section and for the purpose of facilitating the acquisition and dealing with any land acquired under this section.

(5) Without limiting the generality of the powers conferred by this section, the provisions of this section relating to the acquisition of land, whether an interest is acquired separately from or together with any land, extends to the acquisition of an interest to use the subsoil or under surface of land, the surface of land or any space above the surface of land for the erection of any bridge over or under which a road is to pass and for the erection of the necessary supports therefor.

(6) Where—

- (a) land that consists only of a space above the natural surface is acquired under this section;
- (b) a road is constructed through that space; and
- (c) the road is proclaimed, reserved, declared or otherwise dedicated as a road under an Act,

the land shall not, if it is under the operation of the Transfer of Land Act, 1893 at the time it is so acquired, be removed from the operation of that Act, notwithstanding the provisions of this or any other Act.

(7) In applying the Public Works Act, 1902, to this Act the expressions, “land” and “interest” in that Act have the same respective meanings as they respectively have in section six of this Act.
