

Western Australia

Millstream Station Acquisition Act 1982

As at 06 Jul 1998

Version 00-a0-04

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Millstream Station Acquisition Act 1982

An Act to make provision for the conservation of the source of the West Pilbara water supply; to facilitate the resumption of land and the acquisition of livestock and other property related to, and the operation on behalf of the Crown of, Millstream Station; and for purposes connected therewith.

[Assented to 6 October 1982.]

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 *Millstream Station Acquisition Act 1982*.

2. Commencement

The provisions of this Act shall come into operation on a day to be fixed by proclamation.

3. Interpretation

In this Act, unless the context otherwise requires —

“**section**” means section of this Act;

“**Schedule**” means the Schedule to this Act;

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“subsection” means a subsection of the section in relation to which the term is used;

“the resumed lands” means the several pieces or parcels of land described in the Schedule.

4. Resumption of the land

- (1) The setting apart, taking, or resumption of the resumed lands for the purposes of the following public work, namely, for water supply to the districts of Cape Lambert, East Intercourse Island, the Burrup Peninsula and the Towns of Dampier, Karratha, Wickham, Roebourne and Point Samson, and for parks and the protection and preservation of indigenous flora and fauna, and the vesting of those lands in Her Majesty for an estate in fee simple in possession freed and discharged from all trusts, mortgages, charges, obligations, estates, interests, rights-of-way or other easements whatsoever, on and from 12 March 1982, is confirmed and ratified.
- (2) Having regard to the rendering up of possession to the Crown of the resumed lands by the owners and occupiers upon a walk in, walk out basis —
 - (a) section 35 of the *Public Works Act 1902*; and
 - (b) subsection (1) of section 109, subsections (1) and (3) of section 110, and section 140 of the *Land Act 1933*,shall be taken not to have, and never to have had, effect in relation to the resumed lands, and compensation shall be assessed and may be paid accordingly.
- (3) Notwithstanding that notice of the taking or resuming of the resumed lands was published in the *Government Gazette* on 12 March 1982, for the purposes of paragraph (b) of subsection (1) of section 36 of the *Public Works Act 1902* the time for making a claim for compensation under that Act shall be deemed not to have commenced to run until the coming into operation of this Act.

5. Acquisition of livestock and other property related to, and the operation of, Millstream Station

- (1) The Minister may acquire any livestock or other property, assets, or rights related to the operation of any business or trading concern formerly conducted on or in relation to the resumed lands by a person referred to in the Schedule as an occupier of those lands, and may establish or continue to carry on a trading concern under the name of “Millstream Station” in relation to those lands.
- (2) A trading concern established or carried on by the Minister pursuant to subsection (1) shall be subject to the provisions of the *State Trading Concerns Act 1916*, and the nature of its operations shall be limited to such as are appropriate to the implementation of the public work referred to in section 4 and the carrying on of any business formerly carried on in relation to the resumed lands by a person referred to in the Schedule as an occupier of those lands for such period as the Minister thinks fit pending or during the carrying out of that public work.

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Schedule

No. on Plan P.W.D. W.A. No. 53731	Owner or Reputed Owner	Occupier or Reputed Occupier	Description	Area (approx.)
1.	Crown	Millstream Station Pty. Ltd. (Lessee)	The whole of the land in Pastoral Lease 3114/788 (C/L 61/1975)	353 009 ha
2.	Reginald Robert Kennedy Hazel Doreen Kennedy Ramon Reginald Kennedy Murray Alfred Kennedy	Reginald Robert Kennedy Hazel Doreen Kennedy Ramon Reginald Kennedy Murray Alfred Kennedy	North Location 8 being the whole of the land in Certificate of Title Volume 582 Folio 120	16.1874 ha
3.	Reginald Robert Kennedy Hazel Doreen Kennedy Ramon Reginald Kennedy Murray Alfred Kennedy	Reginald Robert Kennedy Hazel Doreen Kennedy Ramon Reginald Kennedy Murray Alfred Kennedy	North Location 18 being the whole of the land in Certificate of Title Volume 582 Folio 121	16.1874 ha

Notes

- ^{1.} This is a compilation of the *Millstream Station Acquisition Act 1982* and includes all amendments effected by the other Acts referred to in the following Table.

Compilation table

Short title	Number and year	Assent	Commencement
<i>Millstream Station Acquisition Act 1982</i>	65 of 1982	6 Oct 1982	15 Oct 1982 (see <i>Gazette</i> 15 Oct 1982 p.4059)