

Western Australia

Railway Discontinuance Act 2006

As at 30 Mar 2006

No. 2 of 2006

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Railway Discontinuance Act 2006

CONTENTS

1.	Short title	2
2.	Commencement	2
3.	Terms used in this Act	2
4.	Discontinuance of scheduled railways, and incidental matters	2
5.	Disposition of land	3
6.	Power of Authority to deal with land	3

Schedule 1 — Scheduled land (Fremantle-Kwinana Railway)

Schedule 2 — Scheduled land (Midland Junction-Welshpool Railway)

Western Australia

Railway Discontinuance Act 2006

No. 2 of 2006

An Act to provide for the discontinuance of certain portions of railway and to authorise the disposition of certain material and land, and for related purposes.

[Assented to 30 March 2006]

The Parliament of Western Australia enacts as follows:

s. 1

1. Short title

This is the *Railway Discontinuance Act 2006*.

2. Commencement

This Act comes into operation on the day on which it receives the Royal Assent.

3. Terms used in this Act

In this Act —

“**Authority**” means the Public Transport Authority of Western Australia established by the *Public Transport Authority Act 2003* section 5;

“**Minister for Lands**” means the Minister to whom the administration of the *Land Administration Act 1997* is for the time being committed by the Governor;

“**scheduled land**” means the land described in Schedule 1 and Schedule 2;

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

4. Discontinuance of scheduled railways, and incidental matters

- (1) The scheduled railways are discontinued.
- (2) The material comprising the scheduled railways, or any portion of that material, may be —
 - (a) used in the construction or maintenance of any Government railway, as defined in the *Government Railways Act 1904* section 2;
 - (b) used in the construction of any railway authorised to be constructed under any other Act; or
 - (c) sold, disposed of, or otherwise dealt with.

5. Disposition of land

- (1) The Minister for Lands is to transfer to the Authority in fee simple, under the *Land Administration Act 1997*, any land that becomes Crown land by the operation of section 4 of this Act and the *Land Administration Act 1997* section 266.
- (2) The Minister for Lands is to transfer land under subsection (1) without requiring the payment of any consideration in respect of that transfer.

6. Power of Authority to deal with land

- (1) With the approval of the Minister to whom the administration of the *Government Railways Act 1904* is for the time being committed by the Governor, the Authority may sell or otherwise dispose of any land transferred to it under section 5.
- (2) The Authority is to credit the proceeds of any sale or disposal of land under subsection (1) to the Public Transport Authority Account referred to in the *Public Transport Authority Act 2003* section 32.

Schedule 1 — Scheduled land (Fremantle-Kwinana Railway)

[s. 3]

That portion of the land acquired for the purpose of the Fremantle-Kwinana Railway under authorisation of the *Robb's Jetty-Woodman's Point Railway Act 1902* and the *Coogee-Kwinana Railway Act 1952*, more particularly being that portion of land, maintaining the integrity of the East Perth to Cockburn North section of railway, commencing in Spearwood at a line formed by the easterly projection of the southern boundary of Lot 3 on Plan 17373 and proceeding southerly for a distance of about 2.7 km, terminating at the northern extent of the discontinuance authorised under the *Railway (Coogee-Kwinana Railway) Discontinuance Act 1973*, which was 16 miles 70 chains by rail from Perth via Fremantle and is approximately 350 m north of Fairbairn Road, Coogee.

**Schedule 2 — Scheduled land (Midland
Junction-Welshpool Railway)**

[s. 3]

That portion of land acquired for the purpose of the Midland Junction Railway under authorisation of the *Midland Junction-Welshpool Railway Act 1957* commencing at the intersection of the north-western side boundary of Pilbara Street, Welshpool with the southern boundary of Lot 451 on Plan 9521, from there proceeding westerly and southerly for a distance of about 2.9 km, terminating at the north-eastern boundary of Railway Parade, Welshpool where it adjoins the land in Diagram 34950.

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