

1965. *Clackline-Bolgart and Bellevue-
East Northam Railway Discontinuance
and Land Revestment.* [No. 68.]

**CLACKLINE-BOLGART AND
BELLEVUE-EAST NORTHAM
RAILWAY DISCONTINUANCE
AND LAND REVESTMENT.**

No. 68 of 1965.

AN ACT to authorise the discontinuance of the operation of the Clackline-Bolgart Railway and the Bellevue-East Northam Railway and to revest in Her Majesty portion of the land comprised therein and for incidental and other purposes.

[Assented to 25th November, 1965.]

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. This Act may be cited as the *Clackline-Bolgart and Bellevue-East Northam Railway Discontinuance and Land Revestment Act, 1965.*

Short title
and citation.

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Commence-
ment.

2. (1) Except as provided in subsection (2) of this section, this Act shall come into operation on the date on which it receives the Royal Assent.

(2) The sections of this Act, other than sections one and two thereof, shall each come into operation on such date or dates as are respectively fixed by proclamation.

Discontinu-
ance of
Clackline-
Bolgart
Railway.

3. On and from the date of the coming into operation of this section the line of railway described in the First Schedule to this Act shall cease to be operated until the Governor otherwise declares.

Discontinu-
ance of
Bellevue-
East Northam
Railway.

4. On and from the date of the coming into operation of this section, the line of railway described in the Second Schedule to this Act shall cease to be operated until the Governor otherwise declares.

Disposal of
property
comprising
discontinued
railway.

5. (1) Subject to section eight of this Act, the Minister for Railways may direct that all or any of the material comprising any railway that is no longer operated pursuant to this Act shall be—

- (a) used in the maintenance of any Government railway as defined by section two of the Government Railways Act, 1904;
- (b) used in the making of any railway for Her Majesty in the State that is made under the authority of a special Act as required by section ninety-six of the Public Works Act, 1902, whether that authority is conferred before or after the coming into operation of this Act; and
- (c) be sold, disposed of, or otherwise dealt with.

(2) A direction given by the Minister for Railways pursuant to this section has, and shall be given effect, according to its tenor.

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6. Subject to section eight of this Act, the cost of any railway that is no longer operated pursuant to this Act, as charged to the Government Railways Capital Account, may be omitted from the accounts prepared under Part IV of the Government Railways Act, 1904.

Authority to omit cost of discontinued railway from accounts.

7. Subject to sections three and four of this Act, notwithstanding any other Act, the land described in the Third Schedule and Fourth Schedule to this Act, being portion of the land comprised in the railway described in the First Schedule and Second Schedule, respectively, to this Act, is hereby revested in Her Majesty as of Her former estate and is hereby removed from the operation of the Transfer of Land Act, 1893.

Revestment of certain land in Her Majesty. Vide "Railway" s. 2 No. 23 of 1904.

8. (1) On and from the date of the coming into operation of this section, the Western Australian Government Railways Commission may, with the approval of the Minister for Railways, use the line of railway described in the Second Schedule to this Act or such portion thereof as may from time to time be determined by the Commission, for the carriage of iron ore, upon such special conditions as may be generally or in any particular case declared by the Commission.

Power to use portion of railway for limited traffic.

(2) Nothing in this section or in section thirty-seven of the Government Railways Act, 1904, makes the Commission a common carrier or imposes upon it any of the obligations of a common carrier in relation to the railway or portion thereof used pursuant to subsection (1) of this section, and while so used the railway is a Government railway for the purposes of that Act.

THE FIRST SCHEDULE.

DESCRIPTION OF CLACKLINE-BOLGART RAILWAY.

Section 3.

- (a) Commencing at a point 51 miles 3 chains 01.8 links from Perth on the Bellevue-East Northam Railway and proceeding generally in a northerly direction for 14

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Section 7.

THE FOURTH SCHEDULE.

- (a) The portion of land commencing east and north-east of a point on the Bellevue-East Northam Railway situated at the intersection of the southern boundary with the eastern alignment of Henkin Street, Bellevue L.T.O. Plan 1796, and being more particularly described and delineated on C.E. Plan 56948 and finishing at a point at Spencer's Brook being 940 links measured along the south-east boundary of the Spencer's Brook-Northam Branch in a north-easterly direction from the north-east alignment of Forrest Street; and at a point at Spencer's Brook being 1410 links measured along the north-east boundary of the Spencer's Brook-York Railway in a south-easterly direction from the north-east boundary of Avon Location e and being more particularly described and delineated on C.E. Plan 56972.
- (b) The portion of land commencing north-east of a point on the Bellevue-East Northam Railway situated 20 links north-east of the south-western boundary of Northam Town Lot 79, and being more particularly described and delineated on C.E. Plan 57009 and finishing at a point on the Bellevue-East Northam Railway being the north-western alignment of Wellington Street near its intersection with Peel Street in the Town of Northam and being more particularly described and delineated on C.E. Plan 57009.
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