

## Notes

<sup>1</sup> This is a compilation of the *Public Works Act 1902* and includes the amendments effected by the other Acts referred to in the following Table.

### Table of Acts

Short title	Number and year	Assent	Commencement	Miscellaneous
<i>Public Works Act 1902</i>	47 of 1902	20 December 1902	20 December 1902	
<i>Public Works Amendment Act 1906</i>	8 of 1906	18 September 1906	18 September 1906	
<i>Public Works Act Amendment Act 1926</i>	60 of 1926	24 December 1926	24 December 1926	
<i>Public Works Act Amendment Act 1933</i>	35 of 1933	4 January 1934	12 February 1934 (see section 2(1) and <i>Gazette</i> 9 February 1934 p.143)	
<i>Public Works Act Amendment Act 1945</i>	41 of 1945	30 January 1946	30 January 1946	
<i>Public Works Act Amendment Act 1950</i>	23 of 1950	5 December 1950	5 December 1950	
<i>Public Works Act Amendment Act 1953</i>	48 of 1953	29 December 1953	29 December 1953	
<i>Public Works Act Amendment Act 1954</i>	3 of 1954	25 August 1954	Deemed operative 29 December 1953 (see section 1(1))	
<i>Public Works Act Amendment Act 1955</i>	59 of 1955	13 December 1955	13 December 1955	
<i>Public Works Act Amendment Act 1956</i>	55 of 1956	27 December 1956	27 December 1956	
<i>Public Works Act Amendment Act 1961</i>	46 of 1961	23 November 1961	23 November 1961	
<i>Public Works Act Amendment Act 1965</i>	59 of 1965	19 November 1965	19 November 1965	
<i>Public Works Act Amendment Act 1966</i>	41 of 1966	4 November 1966	4 November 1966	

<b>Short title</b>	<b>Number and year</b>	<b>Assent</b>	<b>Commencement</b>	<b>Miscellaneous</b>
<i>Public Works Act Amendment Act 1967</i>	53 of 1967	5 December 1967	5 December 1967	
<i>Public Works Act Amendment Act 1972</i>	19 of 1972	26 May 1972	26 May 1972	
<i>Metric Conversion Act 1972</i>	94 of 1972	4 December 1972	The relevant amendments as set out in Schedule 2 took effect on 1 May 1974 (see section 2 and <i>Gazette</i> 26 April 1974 p.1393)	Schedule 2 was inserted by the <i>Metric Conversion Act Amendment Act 1973</i> (No. 19 of 1973)
<i>Ministers of the Crown (Statutory Designations) and Acts Amendment Act 1974, Part VI</i>	27 of 1974	29 October 1974	1 December 1974 (see section 2 and <i>Gazette</i> 6 December 1974 p.5204)	
<i>Acts Amendment (Master, Supreme Court) Act 1979, Part VI</i>	67 of 1979	21 November 1979	11 February 1980 (see section 2 and <i>Gazette</i> 8 February 1980 p.383)	
<i>Acts Amendment (Conservation and Land Management) Act 1984, section 27</i>	112 of 1984	19 December 1984	22 March 1985 (see section 2 and <i>Gazette</i> 15 March 1985 p.931)	
<i>Public Works Amendment Act 1984</i>	123 of 1984	27 December 1984	27 December 1984 (see section 2)	
<i>Acts Amendment and Repeal (Water Authorities) Act 1985, Part XIII</i>	25 of 1985	6 May 1985	1 July 1985 (see section 2 and <i>Gazette</i> 7 June 1985 p.1931)	
<i>Acts Amendment (Financial Administration and Audit) Act 1985, section 3</i>	98 of 1985	4 December 1985	1 July 1986 (see section 2 and <i>Gazette</i> 30 June 1986 p.2255)	
<i>Acts Amendment (Public Service) Act 1987, section 32</i>	113 of 1987	31 December 1987	16 March 1988 (see section 2 and <i>Gazette</i> 16 March 1988 p.813)	

<b>Short title</b>	<b>Number and year</b>	<b>Assent</b>	<b>Commencement</b>	<b>Miscellaneous</b>
<i>Acts Amendment (Land Administration) Act 1987, Part VIII</i>	126 of 1987	31 December 1987	16 September 1988 (see section 2 and <i>Gazette</i> 16 September 1988 p.3637)	Section 39: validation <sup>8</sup>
<i>Public Works Amendment Act 1991</i>	7 of 1991	13 June 1991	11 July 1991	
<i>Financial Administration Legislation Amendment Act 1993, section 11</i>	6 of 1993	27 August 1993	Deemed operative 1 July 1993 (see section 2(1))	
<i>Land (Titles and Traditional Usage) Act 1993, section 45</i>	21 of 1993	2 December 1993	2 December 1993 (see section 2)	
<i>Acts Amendment (Public Sector Management) Act 1994, section 19</i>	32 of 1994	29 June 1994	1 October 1994 (see section 2 and <i>Gazette</i> 30 September 1994 p.4948)	
<i>Public Works Amendment Act 1994</i>	59 of 1994	7 November 1994	5 December 1994	Section 10: transitional; <sup>9</sup> section 11: validation <sup>10</sup>
<i>Statutes (Repeals and Minor Amendments) Act 1994, section 4</i>	73 of 1994	9 December 1994	9 December 1994 (see section 2)	
<i>Energy Corporations (Transitional and Consequential Provisions) Act 1994, section 109</i>	89 of 1994	15 December 1994	1 January 1995 (see section 2(2) and <i>Gazette</i> 23 December 1994 p.7069)	
<i>Hospitals Amendment Act 1994, section 18</i>	103 of 1994	11 January 1995	3 February 1995 (see section 2 and <i>Gazette</i> 3 February 1995 p.333)	
<i>Acts Amendment and Repeal (Native Title) Act 1995, Part 2</i>	52 of 1995	24 November 1995	9 December 1995 (see section 2 and <i>Gazette</i> 8 December 1995 p.5935)	

<b>Short title</b>	<b>Number and year</b>	<b>Assent</b>	<b>Commencement</b>	<b>Miscellaneous</b>
<i>Water Agencies Restructure (Transitional and Consequential Provisions) Act 1995, section 188</i>	73 of 1995	27 December 1995	1 January 1996 (see section 2(2) and <i>Gazette</i> 29 December 1995 p.6291)	
<i>Local Government (Consequential Amendments) Act 1996, section 4</i>	14 of 1996	28 June 1996	1 July 1996 (see section 2)	
<i>Financial Legislation Amendment Act 1996, section 64</i>	49 of 1996	25 October 1996	25 October 1996 (see section 2(1))	
<i>Licensed Surveyors Amendment Act 1996, section 28</i>	79 of 1996	14 November 1996	5 April 1997 (see section 2 and <i>Gazette</i> 4 April 1997 p.1750)	
<i>Transfer of Land Amendment Act 1996, section 153(1)</i>	81 of 1996	14 November 1996	14 November 1996 (see section 2(1))	
<i>Acts Amendment (Land Administration) Act 1997, Part 35 and section 141</i>	31 of 1997	3 October 1997	30 March 1998 (see section 2 and <i>Gazette</i> 27 March 1998 p.1765)	
<i>Dampier to Bunbury Pipeline Act 1997, Division 5 of Schedule 4</i>	53 of 1997	12 December 1997	12 December 1997 (see section 2(1))	
<i>Statutes (Repeals and Minor Amendments) Act 1997, section 78</i>	57 of 1997	15 December 1997	15 December 1997 (see section 2(1))	
<i>Statutes (Repeals and Minor Amendments) Act 2000, sections 14(13) and 35</i>	24 of 2000	4 July 2000	4 July 2000 (see section 2)	Section 35(2) and (3): validation <sup>12</sup>

NB. The *Public Works Act 1902* is affected by the *Dampier to Bunbury Pipeline Act 1997* (No. 53 of 1997). Clauses 24-28 of Schedule 4 read as follows —

“

**24. Sections 29, 29A, and 29B not to apply**

Sections 29, 29A, and 29B of the principal Act do not apply to or in relation to land in the DBNGP corridor as defined in section 27 of this Act.

**25. Application of section 33A**

For the purposes of section 33A of the principal Act, the DBNGP Land Access Minister is a local authority.

**26. Section 33F not to apply**

Section 33F of the principal Act does not apply to or in relation to the taking of land for the purpose of a conferral of rights by the DBNGP Land Access Minister under section 34 of this Act.

**27. Section 45A not to apply**

Section 45A of the principal Act does not apply to or in relation to —

- (a) the taking of land for the purposes of this Act; or
- (b) the determination of a question arising upon a claim for compensation under section 42 of this Act.

**28. Taking of land to be as if for the conferral of rights**

When applying the principal Act, the taking of land for the purposes of Part 4 or Schedule 2 of this Act is to be regarded as being for the purpose of the conferral of rights under Part 4 of this Act, whether or not rights have already been conferred under that Part in respect of the land.

”.

2 Under section 112(1) of the *Public Sector Management Act 1994* (No. 31 of 1994), this is to be read as a reference to the *Public Sector Management Act 1994*.

3 Under section 112(2) of the *Public Sector Management Act 1994* (No. 31 of 1994) this is to be read as a reference to the Minister for Public Sector Management.

4 Repealed by the *Roads Act 1911* (No. 29 of 1911) which was repealed by the *Road Districts Act 1919* (No. 38 of 1919) which was repealed by the *Local Government Act 1960* (No. 84 of 1960) which is now cited as the *Local Government (Miscellaneous Provisions) Act 1960*.

5 Repealed by the *Dividing Fences Act 1961* (No. 44 of 1961) section 2(1).

6 Repealed by the *Western Australian Government Tramways and Ferries Act 1948* (No. 52 of 1948) which was repealed by the *State Transport Co-ordination Act 1966* (No. 91 of 1966) which was repealed by the *State Transport Co-ordination Act 1981* (No. 14 of 1981) which was repealed by the *Acts Amendment and Repeal (Transport Co-ordination) Act 1985* (No. 54 of 1985).

7 Repealed by the *State Transport Co-ordination Act 1966* (No. 91 of 1966) which was repealed by the *State Transport Co-ordination Act 1981* (No. 14 of 1981) which was repealed by the *Acts Amendment and Repeal (Transport Co-ordination) Act 1985* (No. 54 of 1985).

8 Section 39 of the *Acts Amendment (Land Administration) Act 1987* (No. 126 of 1987) reads as follows —

“

**39. Validation**

- (1) The purported exercise or performance on behalf of the Minister for Works by —
  - (a) any Minister of the Crown other than the Minister for Works or by a State agency or instrumentality or other public authority; or
  - (b) any person employed by the Government or by a State agency or instrumentality or other public authority,with the consent of the Minister for Works during the period beginning on 1 January 1970 and ending immediately before the commencement of this Part of any power conferred or duty imposed on the Minister for Works by the principal Act is hereby validated and declared to have been lawfully done by that Minister of the Crown or the State agency or instrumentality or other public authority or person employed by the Government or by the State agency or instrumentality or other public authority, as the case requires.
- (2) In this section —  
“**the Minister for Works**” has the meaning given by the principal Act.

”.

9 Section 10 of the *Public Works Amendment Act 1994* (No. 59 of 1994) reads as follows —

“

**10. Transitional**

- (1) A reference in a document executed before the commencement of this Act to the Western Australian Building Authority is to be construed, unless the context otherwise requires, as if that reference had been amended to be a reference to the Western Australian Building Management Authority.
- (2) A reference in a document executed before the commencement of this Act to the Western Australian Building Authority Account is to be construed, unless the context otherwise requires, as if that reference had been amended to be a reference to the Western Australian Building Management Authority Account.

”.

10 Section 11 of the *Public Works Amendment Act 1994* (No. 59 of 1994) reads as follows —

“

**11. Validation**

- (1) The purported exercise or performance on behalf of the Minister for Works by —

- (a) the Minister of the Crown to whom the administration of the *Marine and Harbours Act 1981* is or was committed by the Governor; or
- (b) the chief executive officer of the Department principally assisting that Minister of the Crown in the administration of the *Marine and Harbours Act 1981* or any other officer of that Department,

with the consent of the Minister for Works during the period beginning on 1 July 1985 and ending immediately before the commencement of this Act of any power conferred or duty imposed on the Minister for Works by the principal Act is hereby validated and declared to have been lawfully done by that Minister of the Crown or that officer of that Department, as the case requires.

- (2) In this section —  
“**the Minister for Works**” has the meaning given by the principal Act.

”.

11 Renumbering effected in 1927 reprint.

12 Section 35(2) and (3) of the *Statutes (Repeals and Minor Amendments) Act 2000* (No. 24 of 2000) reads as follows —

“

- (2) The purported exercise or performance by a Minister of the Crown other than the responsible Minister of any power conferred or duty imposed on the responsible Minister and purportedly delegated to the Minister of the Crown under section 5A(f) of the Act, as in force during the period beginning on 7 December 1993 and ending immediately before the commencement of this section, is validated and declared to have been lawfully exercised or performed by that Minister of the Crown.
- (3) In subsection (2) —  
“**responsible Minister**” means the Minister to whom the administration of the Act was committed by the Governor at the time of a purported delegation referred to in subsection (2).

”.