

2. Interpretation

In this Act, if not inconsistent with the context —

“**Crown land**” means and includes all land of the Crown, whether designated for any public purpose or not, except land granted or agreed to be granted in fee simple, or held or occupied under the Crown by lease or licence, or for any other estate or interest, or land reserved and classified as a class A reserve under the *Land Administration Act 1997*, or any national park referred to in section 6(3)(b) of the *Conservation and Land Management Act 1984* or land in relation to which native title exists.

“**Government work**” means any work constructed or intended to be constructed by or under the control of the Crown, or the Governor, or the Government of Western Australia, or any Minister of the Crown.

“**Judge**” means a Judge of the Supreme Court.

“**Local authority**” means any local government or any other persons or body, however designated, having authority under any statute to undertake the construction of any public work.

“**Local work**” means a work constructed or intended to be constructed by or under the control of a local authority.

“**Minister**” as regards all public works other than railways, means the Minister of the Crown for the time being administering this Act but as regards railways, “**Minister**” means the Minister of the Crown for the time being administering the *Government Railways Act 1904*.

“**Public reserve**” means a reserve under the *Land Administration Act 1997*.

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

“**Public work**” and “**work**” mean and include —

- (1) Every work which the Crown, or the Governor, or the Government of Western Australia, or any Minister of the Crown, or any local authority is authorised to undertake under this or any other Act.
- (2) Any railway authorised by special Act or any work whatsoever authorised by any Act.
- (3) Tramways.
- (4) Any works for or in connection with the supply of water to, or for or in connection with the sewerage of, any city, town, or district, including all reticulations.
- (5) Buildings for the occupation of either or both of the Houses of Parliament or for public offices.
- (6) Hospitals within the meaning given to that term by section 2 of the *Hospitals and Health Services Act 1927*, medical clinics, hostels and institutions including residences for staff, court-houses, gaols, watch-houses, lock-ups, police barracks, or quarters.
- (7) Observatory.

- (8) Public schools or any other schools authorised to be established wholly or in part at the public cost by any Act in force for the time being, universities, colleges, technical and other educational institutions, including residences or hostels for teachers or students, and play-grounds.
- (9) Public libraries, mechanics' or miners' institutes, agricultural halls, or schools of art.
- (10) Wharves, ferries, piers, jetties and bridges.
- (11) Parks or gardens or grounds for public recreation or places for bathing, and for the reclamation of land for or in connection therewith.
- (12) Public cemeteries.
- (13) Public wells or works for the conservation of water.
- (14) The protection and preservation of any cave or place of scientific or historical interest.
- (14A) The protection and preservation of indigenous flora and fauna.
- (15) The establishment of public abattoirs.
- (16) Harbours and ports, including the provision of storage, handling and wharfage areas and other facilities normally ancillary to the conduct of shipping operations, break-waters, leading marks, navigational aids, docks, slips, the alteration or improvement of channels, waterways and rivers, the protection of foreshores and banks, the provision of new channels and related works, including the landing and disposal of silt.
- (17) Quarries or works for procuring stone, gravel, earth, or any other material required for the construction of, or any purpose connected with any public work as aforesaid.
- (17A) The procuring from land (other than Crown Lands and public reserves) of timber, stone, gravel, earth and any other material required by or for the State for or in connection with the carrying on of any industrial or other undertaking or activity which is being carried on by or for the State under any law authorising the same.
- (17B) Buildings and structures required for fire brigade purposes.
- (17C) The establishment and the extension by the Governor of sites for towns.
- (17D) The establishment and the extension by the Governor of agricultural research stations.
- (18) Drainage works in connection with any city, town, or district, and the improvement of rivers, watercourses, lakes, or inlets, including deepening, widening, straightening or otherwise altering, and disposal of silt.
- (19) Any building or structure of whatsoever kind which, in the opinion of the Governor, is necessary for any public purpose.
- (20) Any road, stock route, viaduct, or canal.
- (21) Any work incidental to any of the aforesaid works.
- (22) Any land required for or in connection with any work as aforesaid.

(23) Any survey in connection with any proposed public work.

“Railway”: See section 95.

“Registrar” means the Registrar of Titles under the *Transfer of Land Act 1893*.

“River” means a river, stream, creek, or water-course, in which water flows permanently or intermittently.

“Road”: See section 84.

“Special Act” means any Act of the Parliament of Western Australia with which this Act is incorporated, authorising the construction of a public work.

“Surveyor” means a surveyor licensed under the *Licensed Surveyors Act 1909*.

[Section 2 amended by No. 35 of 1933 s. 3; No. 41 of 1945 s. 2; No. 48 of 1953 s. 3; No. 19 of 1972 s. 2; No. 27 of 1974 s. 19; No. 67 of 1979 s. 35; No. 112 of 1984 s. 27; No. 7 of 1991 s. 3; No. 103 of 1994 s. 18; No. 52 of 1995 s. 6; No. 14 of 1996 s. 4; No. 79 of 1996 s. 28; No. 31 of 1997 s. 40; No. 31 of 2003 s. 160.]