

Notes

- ¹ This is a compilation of the *Public Works Act 1902* and includes the amendments made by the other written laws referred to in the following Table ^{1a}. The table also includes information about any reprints.

Compilation table

Short title	Number and year	Assent	Commencement
<i>Public Works Act 1902</i> ⁸	47 of 1902	20 Dec 1902	20 Dec 1902
<i>Public Works Amendment Act 1906</i>	8 of 1906	18 Sep 1906	18 Sep 1906
<i>Public Works Act Amendment Act 1926</i>	60 of 1926	24 Dec 1926	24 Dec 1926
Reprint of the <i>Public Works Act 1902</i> in Appendix to Session Volume 1927 (includes all amendments listed above)			
<i>Public Works Act Amendment Act 1933</i>	35 of 1933	4 Jan 1934	Proc. 12 Feb 1934 (see s. 2(1) and <i>Gazette</i> 9 Feb 1934 p. 143)
<i>Public Works Act Amendment Act 1945</i>	41 of 1945	30 Jan 1946	30 Jan 1946
<i>Public Works Act Amendment Act 1950</i>	23 of 1950	5 Dec 1950	5 Dec 1950
<i>Public Works Act Amendment Act 1953</i>	48 of 1953	29 Dec 1953	29 Dec 1953
<i>Public Works Act Amendment Act 1954</i>	3 of 1954	25 Aug 1954	Deemed operative 29 Dec 1953 (see s. 1(1))
<i>Public Works Act Amendment Act 1955</i>	59 of 1955	13 Dec 1955	13 Dec 1955
<i>Public Works Act Amendment Act 1956</i>	55 of 1956	27 Dec 1956	27 Dec 1956
Reprint of the <i>Public Works Act 1902</i> approved 27 Aug 1959 in Vol. 14 of Reprinted Acts (includes all amendments listed above)			
<i>Public Works Act Amendment Act 1961</i>	46 of 1961	23 Nov 1961	23 Nov 1961
<i>Public Works Act Amendment Act 1965</i>	59 of 1965	19 Nov 1965	19 Nov 1965
<i>Public Works Act Amendment Act 1966</i>	41 of 1966	4 Nov 1966	4 Nov 1966
<i>Public Works Act Amendment Act 1967</i>	53 of 1967	5 Dec 1967	5 Dec 1967
<i>Public Works Act Amendment Act 1972</i>	19 of 1972	26 May 1972	26 May 1972

Short title	Number and year	Assent	Commencement
<i>Metric Conversion Act 1972</i>	94 of 1972 (as amended by No. 19 and 83 of 1973, 42 of 1975)	4 Dec 1972	Relevant amendments (see Second Sch. ⁹) took effect on 1 May 1974 (see s. 4(2) and <i>Gazette</i> 26 Apr 1974 p. 1393)
Reprint of the Public Works Act 1902 approved 22 Dec 1972 (includes all amendments listed above except those in the <i>Metric Conversion Act 1972</i>)			
<i>Ministers of the Crown (Statutory Designations) and Acts Amendment Act 1974 Pt. VI</i>	27 of 1974	29 Oct 1974	Proc. 1 Dec 1974 (see s. 2 and <i>Gazette</i> 6 Dec 1974 p. 5204)
Reprint of the Public Works Act 1902 approved 13 Jun 1978 (includes all amendments listed above)			
<i>Acts Amendment (Master, Supreme Court) Act 1979 Pt. VI</i>	67 of 1979	21 Nov 1979	Proc. 11 Feb 1980 (see s. 2 and <i>Gazette</i> 8 Feb 1980 p. 383)
<i>Acts Amendment (Conservation and Land Management) Act 1984 s. 27</i>	112 of 1984	19 Dec 1984	22 Mar 1985 (see s. 2 and <i>Gazette</i> 15 Mar 1985 p. 931)
<i>Public Works Amendment Act 1984</i>	123 of 1984	27 Dec 1984	27 Dec 1984 (see s. 2)
<i>Acts Amendment and Repeal (Water Authorities) Act 1985 Pt. XIII</i>	25 of 1985	6 May 1985	Proc. 1 Jul 1985 (see s. 2 and <i>Gazette</i> 7 Jun 1985 p. 1931)
<i>Acts Amendment (Financial Administration and Audit) Act 1985 s. 3</i>	98 of 1985	4 Dec 1985	1 Jul 1986 (see s. 2 and <i>Gazette</i> 30 Jun 1986 p. 2255)
<i>Acts Amendment (Public Service) Act 1987 s. 32</i>	113 of 1987	31 Dec 1987	Proc. 16 Mar 1988 (see s. 2 and <i>Gazette</i> 16 Mar 1988 p. 813)
<i>Acts Amendment (Land Administration) Act 1987 Pt. VIII ¹⁰</i>	126 of 1987	31 Dec 1987	Proc. 16 Sep 1988 (see s. 2 and <i>Gazette</i> 16 Sep 1988 p. 3637)
<i>Public Works Amendment Act 1991</i>	7 of 1991	13 Jun 1991	11 Jul 1991 (see s. 2)
Reprint of the Public Works Act 1902 as at 22 Jun 1992 (includes all amendments listed above) (Correction in <i>Gazette</i> 13 Apr 1995 p. 1325)			
<i>Financial Administration Legislation Amendment Act 1993 s. 11 and 12</i>	6 of 1993	27 Aug 1993	Deemed operative 1 Jul 1993 (see s. 2(1))
<i>Land (Titles and Traditional Usage) Act 1993 s. 45</i>	21 of 1993	2 Dec 1993	2 Dec 1993 (see s. 2)

Short title	Number and year	Assent	Commencement
<i>Acts Amendment (Public Sector Management) Act 1994</i> s. 19	32 of 1994	29 Jun 1994	Proc. 1 Oct 1994 (see s. 2 and <i>Gazette</i> 30 Sep 1994 p. 4948)
<i>Public Works Amendment Act 1994</i> ^{11, 12}	59 of 1994	7 Nov 1994	5 Dec 1994
<i>Statutes (Repeals and Minor Amendments) Act 1994</i> s. 4	73 of 1994	9 Dec 1994	9 Dec 1994 (see s. 2)
<i>Energy Corporations (Transitional and Consequential Provisions) Act 1994</i> s. 109	89 of 1994	15 Dec 1994	Proc. 1 Jan 1995 (see s. 2(2) and <i>Gazette</i> 23 Dec 1994 p. 7069)
<i>Hospitals Amendment Act 1994</i> s. 18	103 of 1994	11 Jan 1995	Proc. 3 Feb 1995 (see s. 2 and <i>Gazette</i> 3 Feb 1995 p. 333)
<i>Acts Amendment and Repeal (Native Title) Act 1995</i> Pt. 2	52 of 1995	24 Nov 1995	Proc. 9 Dec 1995 (see s. 2 and <i>Gazette</i> 8 Dec 1995 p. 5935)
<i>Water Agencies Restructure (Transitional and Consequential Provisions) Act 1995</i> s. 188	73 of 1995	27 Dec 1995	Proc. 1 Jan 1996 (see s. 2(2) and <i>Gazette</i> 29 Dec 1995 p. 6291)
<i>Local Government (Consequential Amendments) Act 1996</i> s. 4	14 of 1996	28 Jun 1996	1 Jul 1996 (see s. 2)
<i>Financial Legislation Amendment Act 1996</i> s. 64	49 of 1996	25 Oct 1996	25 Oct 1996 (see s. 2(1))
<i>Licensed Surveyors Amendment Act 1996</i> s. 28	79 of 1996	14 Nov 1996	Proc. 5 Apr 1997 (see s. 2 and <i>Gazette</i> 4 Apr 1997 p. 1750)
<i>Transfer of Land Amendment Act 1996</i> s. 153(1)	81 of 1996	14 Nov 1996	14 Nov 1996 (see s. 2(1))
Reprint of the <i>Land Acquisition and Public Works Act 1902</i> as at 3 Jun 1997 (includes all amendments listed above)			
<i>Acts Amendment (Land Administration) Act 1997</i> Pt. 35 and s. 141	31 of 1997	3 Oct 1997	30 Mar 1998 (see s. 2 and <i>Gazette</i> 27 Mar 1998 p. 1765)
<i>Dampier to Bunbury Pipeline Act 1997</i> Sch. 4 Div. 5	53 of 1997	12 Dec 1997	12 Dec 1997 (see s. 2(1))
<i>Statutes (Repeals and Minor Amendments) Act 1997</i> s. 78	57 of 1997	15 Dec 1997	15 Dec 1997 (see s. 2(1))
Reprint of the <i>Public Works Act 1902</i> as at 27 Aug 1999 (includes all amendments listed above)			

Short title	Number and year	Assent	Commencement
<i>Gas Corporation (Business Disposal) Act 1999</i> s. 107	58 of 1999	24 Dec 1999	Proc. 16 Dec 2000 (see s. 2(5) and <i>Gazette</i> 15 Dec 2000 p. 7201)
<i>Statutes (Repeals and Minor Amendments) Act 2000</i> s. 14(13) and 35 ¹³	24 of 2000	4 Jul 2000	4 Jul 2000 (see s. 2)
Reprint of the <i>Public Works Act 1902</i> as at 1 June 2001 (includes amendments listed above)			
<i>Public Transport Authority Act 2003</i> s. 160-166	31 of 2003	26 May 2003	1 July 2003 (see s. 2(1) and <i>Gazette</i> 27 June 2003 p. 2384)
<i>Statutes (Repeals and Minor Amendments) Act 2003</i> s. 98	74 of 2003	15 Dec 2003	15 Dec 2003 (see s. 2)
<i>Courts Legislation Amendment and Repeal Act 2004</i> s. 141	59 of 2004	23 Nov 2004	1 May 2005 (see s. 2 and <i>Gazette</i> 31 Dec 2004 p. 7128)

1a On the date as at which this compilation was prepared, provisions referred to in the following table had not come into operation and were therefore not included in this compilation. For the text of the provisions see the endnotes referred to in the table.

Provisions that have not come into operation

Short title	Number and Year	Assent	Commencement
<i>Electricity Corporations Act 2005</i> s. 139 ¹⁴	18 of 2005	13 Oct 2005	To be proclaimed (see s. 2(2))

2 Under the *Public Sector Management Act 1994* s. 112(1), a reference to the *Public Service Act 1978* is to be read as a reference to the *Public Sector Management Act 1994*. The reference was substituted under the *Reprints Act 1984* s. 7(3)(g).

3 Under the *Public Sector Management Act 1994* s. 112(2), a reference in a written law to the Public Service Commissioner or the Public Service Board is, unless the contrary intention appears or it is otherwise provided under the *Acts Amendment (Public Sector Management) Act 1994*, to be construed as if it had been amended to be a reference to the Minister for Public Sector Management.

4 Repealed by the *Roads Act 1911* which was repealed by the *Road Districts Act 1919* which was repealed by the *Local Government Act 1960* which is now cited as the *Local Government (Miscellaneous Provisions) Act 1960*. The main Act now dealing with local governments is the *Local Government Act 1995*.

5 Repealed by the *Dividing Fences Act 1961* s. 2(1).

6 Repealed by the *Western Australian Government Tramways and Ferries Act 1948* which was repealed by the *State Transport Co-ordination Act 1966* which was repealed by the *State Transport Co-ordination Act 1981* which was repealed by the *Acts Amendment and Repeal (Transport Co-ordination) Act 1985*.

7 Repealed by the *State Transport Co-ordination Act 1966* which was repealed by
the *State Transport Co-ordination Act 1981* which was repealed by the *Acts*
Amendment and Repeal (Transport Co-ordination) Act 1985.

8 Short title subsequently amended twice (see note under section 1.)

9 The Second Schedule was inserted by the *Metric Conversion Amendment*
Act 1973.

10 The *Acts Amendment (Land Administration) Act 1987* s. 39 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.

”

11 The *Public Works Amendment Act 1994* s. 10 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.

”

12 The *Public Works Amendment Act 1994* s. 11 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.

”.

13 The *Statutes (Repeals and Minor Amendments) Act 2000* s. 35(2) and (3) read 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).

”.

14 On the date as at which this compilation was prepared, the *Electricity Corporations Act 2005* s. 139, which gives effect to Sch. 5 Div. 13 had not come into operation. It reads as follows:

“

139. Amendments to other Acts

The Acts mentioned in Schedule 5 are amended as set out in that Schedule.

”.

Schedule 5 Division 13 reads as follows:

“

Division 13 — *Public Works Act 1902*

53. The Act amended

The amendments in this Division are to the *Public Works Act 1902*.

54. Section 5A amended

Section 5A(d) is amended by deleting “*Corporation Act 1994*” and inserting instead —

“ *Corporations Act 2005* ”.

55. Section 5B amended

Section 5B(1)(c) is deleted and the following paragraph is inserted instead —

“

- (c) in the case of the Minister of the Crown referred to in section 5A(d), to a body established by section 4(1) of the *Electricity Corporations Act 2005*, namely —
- (i) the Electricity Generation Corporation;
 - (ii) the Electricity Networks Corporation;
 - (iii) the Electricity Retail Corporation; and
 - (iv) the Regional Power Corporation,
- or to an officer of such a body;

”.

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