

PUBLIC WORKS.

No. 59 of 1965.

AN ACT to amend the Public Works Act, 1902-1961

[Assented to 19th 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. (1) This Act may be cited as the *Public Works Act Amendment Act, 1965*.

Short title
and
citation.

(2) In this Act the Public Works Act, 1902-1961, is referred to as the principal Act.

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1959, as
amended by
Act No. 46
of 1961.

(3) The principal Act as amended by this Act may be cited as the Public Works Act, 1902-1965.

2. Section twenty-nine of the principal Act is amended by substituting for the word, "Where" being the first word in the section, the passage, "Subject to section twenty-nine B of this Act, where".

S. 29
amended.

S. 29A
amended.

3. Section twenty-nine A of the principal Act is amended by substituting for the word, "Where" being the first word in the section, the passage, "Subject to section twenty-nine B of this Act, where".

S. 29B
added.

4. The principal Act is amended by adding after section twenty-nine A a section as follows—

Use or
disposal of
certain land
taken etc.
under this
Act.

29B. (1) Where any land compulsorily taken or resumed under this Act for a public work—

(a) has been used for that public work for a period of ten years or more since it was last so taken or resumed, if at any time after that period, the land is no longer required for that public work, sections twenty-nine and twenty-nine A of this Act do not apply to the land and with the approval of the Governor, it may be—

(i) sold by public auction or private contract; or

(ii) used by the Minister or local authority in which it is vested for any other public work;

(b) is not required for that work, at any time after a period of ten years since it was last so taken or resumed, sections twenty-nine and twenty-nine A of this Act apply to the land but the purchase price thereof payable by the person, if any, to whom an option to purchase the land is granted under the firstmentioned section, shall be such reasonable price as the Minister determines.

(2) The reasonable price determined by the Minister under paragraph (b) of subsection (1) of this section shall not be—

(a) less than the aggregate amount of the compensation and the value of improvements, if any, made on the

land by the Minister or authority subsequent to the date on which the land was last compulsorily taken or resumed under this Act for a public work; or

- (b) more than that aggregate amount plus one-tenth of that amount for each year or part of a year since the date on which the land was last so taken or resumed.

(3) If the person to whom an option to purchase the land is granted is aggrieved by the amount of the purchase price specified therein as determined by the Minister under subsection (2) of this section, he may, within twenty-one days after being notified that he has been granted the option to purchase, appeal in manner prescribed by Rules of Court to—

- (a) the Supreme Court, if the amount of the purchase price specified in the option to purchase exceeds five hundred pounds; or
- (b) the Local Court held nearest to the land to which the option of purchase relates, if the amount of such purchase price is five hundred pounds or less,

and the Court hearing the appeal may make such order as appears to the Court to be just, including an order for the payment of costs and the extension of the period of the option to purchase, whether or not the application therefor is made before or after the expiration of the time allowed for the exercise of the option to purchase. .

5. Section thirty of the principal Act is amended by substituting for the words, "the preceding section", in lines one and two, the passage, "sections twenty-nine or twenty-nine B of this Act".

S. 30
amended.