

PUBLIC WORKS.

10° Elizabeth II., No. XLVI.

No. 46 of 1961.

AN ACT to amend the Public Works Act, 1902-1956.*[Assented to 23rd November, 1961.]*

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, 1961.* Short title and citation.

(2) In this Act the Public Works Act, 1902-1956, is referred to as the principal Act. Vol. 14 of the Reprinted Acts. Approved for reprint 27th August, 1959.

(3) The principal Act as amended by this Act may be cited as the Public Works Act, 1902-1961.

S. 1
amended.

2. Section one of the principal Act is amended by adding after the paragraph, "PART V.—ROADS, RIVERS and BRIDGES, ss. 84-94" in lines eleven and twelve the passage, "PART VA.—ELECTRICITY, ss. 94A-94D."

Part VA.
added.

3. The principal Act is amended by adding after section ninety-four the following Part—

PART VA.—ELECTRICITY.

Interpre-
tation.

94A. In this Part, unless the context requires otherwise—

(a) "Commission" means The State Electricity Commission of Western Australia established by the State Electricity Commission Act, 1945;

(b) where any of the following words or expressions are used in this Part they shall when so used have the same respective meanings as are given to them in and for the purposes of the State Electricity Commission Act, 1945—

"consumer", "distribution works", "electric works", "generating station", "linking up scheme", "metropolitan area", "power", "service apparatus", "supply authority", "transmission works"; and

(c) where the word "undertaking" is used in this Part it shall when so used have the same meaning as given to it when used with respect to any supply authority in and for the purposes of the State Electricity Commission Act, 1945.

94B. (1) The Minister may, with the consent of the Commission,—

Minister empowered to generate electricity or acquire undertaking.

- (a) construct, establish and maintain a generating station at any place outside the metropolitan area where there is no supply authority generating electricity, and supply and distribute electricity within such limits from that place as the Commission approves from time to time;
- (b) take on lease and carry on, or purchase as a going concern and carry on, the undertaking of any supply authority generating electricity at a place outside the metropolitan area, if the supply authority requests the Minister so to do.

(2) For the purpose of the effectual exercise of his powers under this section the Minister may, with the consent of the Commission—

- (a) purchase or otherwise acquire freehold and leasehold land, sell or exchange lands of either freehold or leasehold tenure, or let or lease any land of any tenure belonging to the Minister at such rent and upon and subject to such terms and conditions as the Minister may think fit; and
- (b) acquire patent rights, licenses, apparatus, machinery, appliances and things; and
- (c) exercise and use all or any of the powers and authorities conferred on the Minister by this Act in respect to any public work which he is authorised to undertake.

(3) Nothing in this section shall operate so as to interfere in any way with or prevent the exercise by the Commission of its powers under the State Electricity Commission Act, 1945, in respect of the supply direct of electricity

required by any Government Department or any Crown instrumentality, or by any industrial consumer having a connected load of two hundred horse-power or more within the area to which the Minister is supplying electricity.

Minister
to be a
supply
authority.

94C. Upon the exercise by him of any of the powers conferred upon him by section ninety-four B of this Act, the Minister shall be a supply authority within the meaning of the Electricity Act, 1945, in respect to the area in which that power is exercised, and as such shall have and may exercise the powers and authorities, and shall be subject to the duties and obligations, as are conferred and imposed respectively on supply authorities under the provisions of that Act, so far as the same may be applicable to the Minister.

By-laws.

94D. In respect of an area wherein the Minister is a supply authority pursuant to this Part of this Act, the Minister may make all such by-laws as a local authority may for the time being have power to make to have effect within the limits of its district under the provisions of section thirty-three of the Electricity Act, 1945, but subject to the provisions of subsections (2) and (3) of that section, and by those by-laws may impose a penalty not exceeding fifty pounds for the breach of any such by-law.
