

PUBLIC WORKS.

5° Elizabeth II., No. LV.

No. 55 of 1956.

AN ACT to amend the Public Works Act, 1902-1955.

[Assented to 27th December, 1956.]

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, 1956.* Short title and citation

(2) In this Act the Public Works Act, 1902-1955—
Act No. 47 of 1902 as reprinted, with amendments to and including Act No. 60 of 1926, in the

Appendix to the Sessional Volume of Acts, 1927, and as further amended by Acts Nos. 35 of 1933, 41 of 1945, 23 of 1950, 48 of 1953, 3 of 1954 and 59 of 1955,

is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Public Works Act, 1902-1956.

S. 29 am.

2. Section twenty-nine of the principal Act is amended—

- (a) by substituting for the passage, “held, taken, resumed or otherwise acquired under this or any other Act, or in any other manner,” in lines one, two and three of subsection (1) the passage, “compulsorily taken or resumed under this or any other Act,”;
- (b) by substituting for the passage, “subject to the provisions of this section, it may” in lines five and six of subsection (1) the passage, “the land may, subject to the provisions of subsections (2) to (6) inclusive of this section,”;
- (c) by substituting for the passage, “Where the land referred to in subsection (1) of this section is to be sold” in lines one and two of subsection (2) the passage, “Before land referred to in subsection (1) of this section is so sold or used”;
- (d) by substituting for each of the passages, “taking, resumption or acquisition” and “taking, resumption, or acquisition” wherever it appears in the section the words, “taking or resumption”;
- (e) by deleting the words, “to be sold under this section” in lines one and two of subsection (4);

- (f) by adding after the word, "land" in line one of paragraph (c) of subsection (4) the words, "so taken or resumed and";
- (g) by deleting the words, "or consideration" appearing firstly in line two and secondly in lines six and seven of subsection (6);
- (h) by adding after subsection (6) the following subsection—

(7) (a) Where any land acquired for any public work under this or any other Act otherwise than by way of compulsory taking or resumption, is not required for that work,

- (i) the Minister, or if the land is vested in a local authority, that local authority, may use the land for any other public work;

or

- (ii) the Governor, or the local authority in which the land is vested with the consent of the Governor, may, subject to the provisions of paragraph (b) of this subsection, cause the land to be sold by public auction or private contract.

(b) Before land is sold under the provisions of this subsection, notice advertising the land for sale shall be published in the *Government Gazette*.

3. Section twenty-nine A of the principal Act is ^{S. 29A am.} amended—

- (a) by substituting for the passage, "Where land taken, resumed or acquired for any public work under this Act is not being used for that work" in lines one, two and three

of subsection (1) the passage, "Where any land compulsorily taken or resumed under this Act for a public work is not being used for any public work and a notice in respect of that land has not been published in the *Gazette* in accordance with the provisions of subsection (2) of section twenty-nine of this Act";

- (b) by substituting for the words, "had been" in line four of subsection (1) the word, "were";
 - (c) by substituting for the words, "have been" in line six of subsection (1) the word "be";
 - (d) by substituting for the passage, "taken, resumed or acquired" in lines three and four of subsection (3) the words, "compulsorily taken or resumed";
 - (e) by adding after the word, "section" in line five of subsection (3) the passage, ", relating to that land,";
 - (f) by adding after the word, "the" in line four of subsection (4) the passage, "provisions of subsections (2) to (6) inclusive of section twenty-nine of this Act shall apply, and the";
 - (g) by substituting for the words, "section twenty-nine of this Act" in lines seven and eight of subsection (4) the words, "that section".
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