

PUBLIC WORKS.

24° GEO. V., No. XXXV.

No. 35 of 1933.

AN ACT to amend the Public Works Act, 1902.

[Assented to 4th January, 1934.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the *Public Works Act Amendment Act, 1933*, and shall be read as one with the Public Works Act, 1902, as reprinted in the Appendix to the Sessional Volume of the Statutes for the year 1927, hereinafter referred to as the principal Act.

Operation and effect of this Act.

2. (1.) This Act shall come into operation on a day to be fixed by proclamation.*

(2.) The principal Act as amended by this Act shall apply to all railways authorised but not constructed or still in course of construction at the commencement of this Act:

Provided that this Act shall not in any manner prejudice or affect anything done or purported to have been done under the provisions of the principal Act prior to the commencement of this Act in relation to any railway authorised but not constructed or still in the course of construction at the commencement of this Act. The principal Act as amended

*12th February, 1934; *Gazette* 9th February, 1934.

by this Act shall apply also to all railways the construction whereof is authorised after the commencement of this Act.

3. Section two of the principal Act is amended by deleting the definition of "Minister" and inserting in lieu thereof a definition, as follows:—

Amendment
of s. 2.

"Minister" as regards all public works other than railways, and also as regards the provisions of this Act relating to the taking or acquisition of land required for railways, and the making of claims for compensation in respect of land taken for railways and the settlement or enforcement of such claims and relating to all matters incidental to the taking or acquisition of such land as aforesaid and to claims for compensation and the settlement and enforcement thereof means the Minister for Works appointed under this Act and also any member of the Executive Council acting as Minister for Works; but as regards railways, save and except as aforesaid, "Minister" means the Minister for Railways and any Minister of the Crown for the time being administering the Government Railways Act, 1904.

4. Section five of the principal Act is amended—

Amendment
of s. 5.

(a) by inserting in subsection (1), after the word "shall" in line two, the words "subject to the definition of 'Minister' in section two of this Act";

(b) by adding at the end of subsection (1) the words "The Minister for Railways and any Minister of the Crown for the time being administering the Government Railways Act, 1904, shall, subject to the definition of 'Minister' in section two of this Act, be charged with the administration of this Act as regards railways."

5. Section nine of the principal Act is amended—

Amendment
of s. 9.

(a) by inserting in subsection (1), after the word "out" in line three, the words "by or for him";

(b) by inserting in subsection (1), after the word "year" in line five, the words "incurred by or for him";

(c) by substituting in subsection (2) the word "his" for the word "the" at the end of line one.

Amendment
of s. 112.

6. Section one hundred and twelve of the principal Act is amended by deleting the first four lines of subsection (1) commencing with the words "The Minister" and ending with the word "thereon," and inserting in lieu thereof the words "The Minister for Railways may temporarily occupy and use any land for the purpose of constructing or repairing a railway, and the Minister for Works may temporarily occupy and use any land for the purpose of constructing or repairing any other public work, and the said Ministers respectively may do the following things thereon:—"

Amendment
of s. 116.

7. Section one hundred and sixteen of the principal Act is amended—

- (a) by inserting at the beginning of the section the words "subject to the provisions of the Government Tramways Act, 1912-1933";
- (b) by inserting, after the word "Minister" in line one, the words "for Works";
- (c) by inserting, after the word "thereunder" in line four, the words "other than Government tramways as defined in section two of the Government Tramways Act, 1912-1933."

Citation of principal Act as amended.

8. The principal Act as amended by this Act may be cited as the Public Works Act, 1902-1933.