



Western Australia

Government Agreements Act 1979

As at 02 May 2005

Version 01-b0-08
Published on www.legislation.wa.gov.au

Western Australia

Government Agreements Act 1979

Contents

1.	Citation	1
2.	Interpretation	1
3.	Operation and effect of Government agreements	2
4.	Offences	2
	Notes	
	Compilation table	4

Government Agreements Act 1979

An Act in respect of Government agreements and for related purposes.

1. Citation

This Act may be cited as the *Government Agreements Act 1979*¹.

2. Interpretation

In this Act —

Government agreement means —

- (a) an agreement scheduled to, incorporated in, or appearing in, an Act the administration of which is for the time being committed by the Governor to, or approved by the Governor to be placed under the control of, the Minister, and any other agreement scheduled to, incorporated in, or appearing in, an Act and declared by proclamation to be a Government agreement for the purposes of this Act,

and includes —

- (b) any variation of that agreement —
- (i) which is or has been entered into pursuant to that agreement; or
 - (ii) the signing or implementation, or both, of which has been ratified, approved, or authorised by Parliament;

and

- (c) any document or instrument, including any grant, lease, licence, permit, approval, authorisation, right,

concession, or exemption, or any other thing made, executed, issued, or obtained for the purposes of that agreement or its implementation;

subject land means —

- (a) land that is set aside, or is being used, for the purposes of or incidental to implementing a Government agreement; or
- (b) land where activity is being, or is about to be, carried on pursuant to, or for the purposes of or incidental to implementing, a Government agreement.

[Section 2 amended: No. 30 of 1990 s. 4.]

3. **Operation and effect of Government agreements**

For the removal of doubt, it is hereby expressly declared that —

- (a) each provision of a Government agreement shall operate and take effect, and shall be deemed to have operated and taken effect from its inception, according to its terms notwithstanding any other Act or law; and
- (b) any purported modification of any other Act or law contained, or provided for, in such a provision shall operate and take effect so as to modify that other Act or law for the purposes of the Government agreement, and shall be deemed to have so operated and taken effect from its inception, according to its terms notwithstanding any other Act or law.

4. **Offences**

- (1) A person shall not without lawful authority remain on any subject land after being warned to leave it by —
 - (a) the owner or occupier, or a person authorised by or on behalf of the owner or occupier, of that subject land; or
 - (b) a member of the Police Force.

Penalty: \$5 000 or 12 months' imprisonment.

- (2) A person shall not without lawful authority prevent, obstruct, or hinder any activity which is being, or is about to be, carried on pursuant to, or for the purposes of or incidental to implementing, a Government agreement, or attempt to do so.
Penalty: \$5 000 or 12 months' imprisonment.
- (3) For the purposes of any proceedings for an offence under this Act an averment in the prosecution notice —
- (a) that an agreement is scheduled to, incorporated in, or appearing in, an Act the administration of which is for the time being committed by the Governor to, or approved by the Governor to be placed under the control of, the Minister; or
 - (b) that an agreement is scheduled to, incorporated in, or appearing in, an Act and declared by proclamation to be a Government agreement for the purposes of this Act,
- shall, in the absence of proof to the contrary, be deemed to be proved.

[Section 4 amended: No. 30 of 1990 s. 5; No. 84 of 2004 s. 80.]

Notes

- ¹ This is a compilation of the *Government Agreements Act 1979* and includes the amendments made by the other written law referred to in the following table. The table also contains information about any reprint.

Compilation table

Short title	Number and year	Assent	Commencement
<i>Government Agreements Act 1979</i>	112 of 1979	21 Dec 1979	21 Dec 1979
<i>Government Agreements Amendment Act 1990</i>	30 of 1990	9 Oct 1990	5 Jul 1991 (see s. 2 and <i>Gazette</i> 5 Jul 1991 p. 3317)
Reprint 1: The <i>Government Agreements Act 1979</i> as at 22 Aug 2003 (includes amendments listed above)			
<i>Criminal Procedure and Appeals (Consequential and Other Provisions) Act 2004</i> s. 80	84 of 2004	16 Dec 2004	2 May 2005 (see s. 2 and <i>Gazette</i> 31 Dec 2004 p. 7129 (correction in <i>Gazette</i> 7 Jan 2005 p. 53))

Defined terms

*[This is a list of terms defined and the provisions where they are defined.
The list is not part of the law.]*

Defined term	Provision(s)
Government agreement.....	2
subject land	2