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Commonwealth of Australia.

NATIONAL SECURITY (GENERAL) REGULATIONS.

State of Western Australia.

Public Authorities and Corporations Powers Order.

WHEREAS by regulation 35A of the Commonwealth National Security (General) Regulations (as amended by Statutory Rule 1941 No. 287) it is provided *inter alia* that the Premier of any State, after consultation with the Minister of State for Home Security, or an officer of the Department of Home Security authorised by that Minister to act on his behalf, and with the Commandant of a Military District, or an officer authorised by the Minister of State for Defence Co-ordination, or the Minister of State for the Army to act on behalf of such Commandant, may by order make such provision as he deems necessary to protect the persons and property of the civil population in that State or any part thereof in case of emergency: Now, therefore I, John Collings Willecock, M.L.A., Premier of the State of Western Australia, having duly held consultations as hereinbefore mentioned and being of the opinion that the present emergency so requires, and acting pursuant to the power conferred by the said regulation 35A, do hereby order as follows:—

1. This Order may be cited as the Public Authorities and Corporations Powers Order.

2. In this Order, unless the context otherwise requires—

“Corporation” includes any company registered under any of the provisions of the Companies Act, 1893-1938, of Western Australia and any association registered under the Associations Incorporation Act, 1895:

“Public Authority” includes—

- (a) any municipal council, road board, local health authority and any other statutory local governing body;
- (b) the Minister for Water Supply, Sewerage, and Drainage, and every water board, drainage board, and irrigation board constituted by any law of Western Australia;

- (c) the board of management of a hospital;
- (d) every person, board, trust or association of persons constituted as a corporate body by any law of Western Australia;

- (e) any ambulance society or association;
- (f) the Civil Defence Council; and
- (g) any parks and reserves board;
- (h) the Director of Works; and
- (i) the Commissioner of Main Roads.

3. Notwithstanding anything in any Act or any law or in any memorandum, articles, agreement, or document every public authority and every corporation is hereby empowered—

- (a) to undertake, perform, and carry into effect any act or thing authorised or required to be done by or under or pursuant to any Order made by the Premier of the State of Western Australia under the hereinbefore recited regulation 35A of the Commonwealth National Security (General) Regulations;
- (b) to apply any of its funds or revenue and obtain advances by overdraft of current account for the purpose of undertaking, performing, or carrying into effect any act or thing so authorised or required to be done.

4. Except as otherwise expressly provided in any Order made by the Premier of the State of Western Australia under the hereinbefore recited regulation 35A of the Commonwealth National Security (General) Regulations, no public authority and no body representing the Crown shall be liable in respect of any loss or injury sustained by any person in connection with or arising out of any act or thing done by or under or pursuant to any Order made by the said Premier under the said regulation 35A:

Provided that nothing in this clause shall be deemed to limit or affect any right of any person in respect of personal injury by accident arising out of or in the course of the employment of that person.

5. (1) Subject to subclause (3) of this clause, every municipal council and every road board may, in, on, or upon any land or building or any street, road, or way within its district, provide and maintain air raid shelters

and trenches, air raid wardens' posts, first aid posts, and any other works or equipment in connection with protection against air raids.

(2) Subject to subclause (3) of this clause, for the purpose of the last preceding subclause, any such municipal council or road board may—

- (a) enter into or upon and/or take possession of such land or building;
- (b) open and break up any such street, road, or way; or
- (c) close any portion of any street, road, or way against unauthorised use by members of the public.

(3) In relation to the exercise by a municipal council or a road board of the powers conferred by subclauses (1) and (2) of this clause in connection with any land or building to which the said subclauses apply, the following provisions shall apply and have effect, namely:—

- (a) the said powers shall not be exercisable or be exercised by any municipal council or road board in connection with any building unless the Civil Defence Council in Western Australia has declared that such building is suitable for and shall be available to the public as a public air raid shelter;
- (b) before any of the said powers are exercised by a council or a road board in connection with any land, on which a building is not actually erected or standing, the council or the road board, as the case may be, shall notify the person whose name appears in the rate book of the council or the road board as the rateable owner of the land, by means of a notice sent by post to his place of abode appearing in such rate book of its intention to exercise the said powers in connection with the said land;
- (c) if the said rateable owner consents, the municipal council or the road board may proceed to exercise the said powers forthwith;
- (d) if the said rateable owner neither consents nor objects in writing before the expiration of twenty-four hours from the time when notice was posted to him as provided for in paragraph (b) of this subclause, the council or the road board may proceed to exercise the said powers forthwith after the expiration of the said period of twenty-four hours;
- (e) if the said rateable owner objects in writing before the expiration of twenty-four hours from the time when notice was posted to him as provided for in paragraph (b) of this subclause, the council or the road board, upon receipt of such objection, shall refer the same to the Director of Works for his determination, and the Director of Works shall inquire into such objection and either confirm or set aside the same;
- (f) when the Director of Works confirms an objection referred to him under paragraph (e) of this subclause, the council or the road board, as the case may be, shall not exercise the powers the exercise whereof has been so objected to;

(g) when the Director of Works sets aside an objection referred to him under paragraph (e) of this subclause, the council or road board may proceed forthwith to exercise the powers aforesaid, notwithstanding the objection.

(4) Except with the consent of the Premier of the State of Western Australia, no municipal council or road board shall enter into or upon or take possession of, or construct or provide any works or equipment aforesaid in or on any land or building belonging to the Crown or to any Crown instrumentality or any land, building, street, road or way vested in or under the control or management of any public authority other than such municipal council or road board.

(5) Where any works or equipment which a municipal council or a road board is empowered to construct, provide, or maintain under this clause may interfere with any undertakings or works vested in or under the control or management of any public authority, the provisions prescribed in paragraphs (b), (c), (d), (e), (f), and (g) of subclause (3) of this clause shall apply and have effect, with such adaptations as may be necessary, and the said paragraphs shall be deemed to be incorporated in and form part of this subclause, with the words "public authority" substituted for the words "the person whose name appears in the rate book of the council or the road board as the rateable owner," and the words "the address of the public authority" substituted for the words "his place of abode appearing in such rate book" in the said paragraph (b).

(6) When any works or equipment constructed or provided by the municipal council or road board as aforesaid are no longer required for the purpose for which they were constructed or provided, the municipal council or road board, as the case may be, shall dismantle and remove such works and equipment and reinstate the land, building, street, road or way, as the case may require.

(7) The municipal council or the road board may employ and pay any workmen, servants, contractors, agents and other persons either with or without horses and vehicles to do any act, matter or thing necessary or expedient to be done by the municipal council or the road board for the purpose of effectually exercising any of the powers conferred by this clause.

(8) No claim or action by the owner, occupier, or other person interested in any land or building shall lie or be maintainable against a municipal council or a road board or any workman, servant, contractor, or agent of such council or road board in respect of anything which the council or the road board may *bona fide* do or cause to be done in, on, or about such land or building in the exercise of any of the powers conferred by this clause.

6. This Order shall be read and construed as being in aid of and not in derogation from any of the provisions of the Civil Defence (Emergency Powers) Act, 1940, the Municipal Corporations Act, 1906-1940, and the Road Districts Act, 1919-1941.

Dated this 23rd day of February, 1942.

(Sgd.) J. C. WILLCOCK,
Premier of the State of
Western Australia.