

COMMONWEALTH PLACES (ADMINISTRATION OF LAWS).

No. 88 of 1970.

AN ACT relating to the Administration of Laws of the Commonwealth and of the State of Western Australia in Commonwealth Places and for other purposes.

[Assented to 30th November, 1970.]

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. This Act may be cited as the *Commonwealth Places (Administration of Laws) Act, 1970.* Short title.

2. This Act shall come into operation on a date to be fixed by proclamation. Commencement.

Interpreta-
tion.
Comp.
Common-
wealth
Act, s. 3.

3. In this Act unless the contrary intention appears—

“Authority”, in relation to the State, means—

- (a) the Governor, a Minister or a member of the Executive Council of the State;
- (b) a court of the State;
- (c) a person who holds office as a member of a court of the State;
- (d) a body created by or under the law of the State; and
- (e) an officer or employee of the State or of a body referred to in paragraph (d) of this interpretation;

“Commonwealth place” means a place, not being the seat of Government of the Commonwealth, whether within or without the State with respect to which the Parliament of the Commonwealth has, by virtue of section 52 of the Constitution of the Commonwealth of Australia, subject to that Constitution, exclusive power to make laws for the peace, order, and good government of the Commonwealth;

“the applied provisions” means the provisions of the laws of the State that apply or are to be deemed to have applied in or in relation to Commonwealth places by virtue of the Commonwealth Act;

“the Commonwealth Act” means the Commonwealth Places (Application of Laws) Act 1970 of the Commonwealth and, if that Act is amended includes that Act as amended;

“the laws of the State” means the laws in force in the State, whether written or unwritten and as in force for the time being and instruments made or having effect under those laws but does not

include a law of the Commonwealth, whether written or unwritten, or an instrument made or having effect under such a law and "law of the State" has a corresponding meaning.

4. (1) Where, under a law of the State, provision is made for or in relation to the exercise or performance of a power, duty or function by an Authority of the State, not being a court, and under the applied provisions, provision is made for or in relation to the exercise or performance of a like power, duty or function, the Governor may make an arrangement with the Governor-General of the Commonwealth for the exercise or performance of that power, duty or function under the applied provisions by an Authority of the State, not being a court, in and in relation to Commonwealth places as provided in the arrangement.

Arrangements with the Commonwealth Comp. ib. ss. 6, 18. Commonwealth Act.

(2) The Governor may make an arrangement with the Governor-General with respect to any matter necessary or convenient for the purpose of carrying out or giving effect to the Commonwealth Act in or in relation to the State.

(3) An arrangement under this section may contain such incidental or supplementary provisions as the Governor and the Governor-General think necessary.

(4) The Governor may arrange with the Governor-General for the variation or revocation of any arrangement in force under this section.

5. Notwithstanding the provisions of any law of the State, an Authority may—

Authorities may act under Commonwealth Law.

- (a) exercise or perform the powers or functions that it or he is empowered to exercise or perform under the Commonwealth Act; and

- (b) act in any office or capacity in accordance with the provisions of an arrangement in force under section 4 of this Act,

in addition to carrying out its or his duties as an Authority under the law of the State.

Causes of
action.
Comp.
ib. s. 9.
Common-
wealth Act.

6. Where an act or omission gives, or gave, to a person a cause of action under a law of the State and also gives, or gave, to that person a cause of action under a part of the applied provisions to which that law of the State corresponds and the cause of action under the applied provisions has been extinguished, the cause of action under the law of the State is also extinguished.

Validation of
certain acts.
Comp.
ib. s. 10.

7. Where an Authority or a person has done an act in the purported exercise or performance of a power, duty or function under the applied provisions and that act could have been done by that Authority or person in the exercise or performance of a power, duty or function under the laws of the State, that act shall be deemed to have been done by that Authority or person in the exercise or performance of the power, duty or function under the laws of the State.

Double
jeopardy.

8. (1) Where an act or omission constitutes an offence under both the laws of the State and the applied provisions and the offender has been punished for the offence under the applied provisions, he shall not be liable to be punished for the offence under the laws of the State.

(2) Any reference in the laws of the State to a conviction, punishment, penalty or forfeiture under a law of the State shall be deemed to include a

reference to a conviction, punishment, penalty or forfeiture under that part of the applied provisions that corresponds to that law.

9. In so far as an instrument or other writing that relates to an act, matter or thing that has a connection with a place in the State that is a Commonwealth place refers to a provision as part of the applied provisions and that provision does not have effect in or in relation to that act, matter or thing, that reference has effect as if it were a reference to that part of the law of the State that corresponds to that provision.

Form of
instruments.
Comp.
ib. s. 11.
Common-
wealth Act.

10. Objection shall not be allowed in any proceedings in which an offence is alleged against a law of the State by reason only that in the proceedings an offence is also alleged against a part of the applied provisions to which that law corresponds.

Objection
not
allowable
where two
offences
charged.
Comp.
ib. s. 13.

11. Where a person is charged with an offence against a provision as a part of the applied provisions and the court before which he is charged is satisfied—

Continuance
of
proceedings
where place
is not a
Common-
wealth place.
Comp.
ib. s. 14.

(a) that that provision is not a part of the applied provisions; and

(b) a law of the State corresponds to that provision,

the proceedings shall be continued as though that person had been charged with an offence against the law of the State that corresponds to that provision.

Proceedings
on certain
appeals.
Comp.
ib. s. 15.
Common-
wealth Act.

12. Where, on an appeal from a judgment, decree, order or sentence in proceedings under a provision as part of the applied provisions a court is satisfied that—

- (a) that provision was not a part of the applied provisions; and
- (b) a law of the State corresponds to that provision,

the court shall deal with the appeal as though the proceedings in relation to which the appeal was brought had been brought under that law and the judgment, decree, order or sentence had been given or made in proceedings so brought.

Certificates
as to
ownership
of land.
Comp.
ib. s. 17.

13. (1) A certificate in writing given by an authorized person—

- (a) as to the ownership of land, or of an estate or interest in land, specified in the certificate, on a date or during a period so specified; or
- (b) as to the existence and ownership, on a date or during a period specified in the certificate, of a right so specified in respect of land so specified,

is, in proceedings under, or purporting to be under, the law of the State in which any question arises whether a place is a Commonwealth place, evidence of the matters stated in the certificate.

(2) For the purposes of subsection (1) of this section a writing purporting to be a certificate referred to in that subsection shall, unless the contrary is proved, be deemed to be such a certificate and to have been duly given.

(3) In this section “authorized person” has the same meaning as in section 17 of the Commonwealth Act.

14. (1) Where, upon a place becoming or having become a Commonwealth place, a law of the State ceases or ceased to have effect in or in relation to that place—

Savings.
Comp.
ib. s. 19.
Common-
wealth Act.

- (a) the previous operation of that law or anything duly done or suffered under that law is not affected;
- (b) any right, privilege, obligation or liability acquired, accrued or incurred under that law is not affected;
- (c) any penalty, forfeiture or punishment incurred in respect of an offence committed against that law is not affected;
- (d) any investigation, legal proceeding or remedy in respect of any right, privilege, obligation, liability, penalty, forfeiture or punishment referred to in paragraph (b) or paragraph (c) of this subsection is not affected; and
- (e) any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if the law had not so ceased to have effect.

(2) Subject to subsection (3) of this section, when a place ceases or has ceased to be a Commonwealth place at a particular time the laws of the State in force at that particular time apply in or in relation to that place as if those laws had come into operation at that particular time and every Act, whether passed before or after the commencement of this Act, and every instrument made or having effect under any such Act, shall be read and construed as if it provided expressly that it was intended to so apply.

(3) When a place ceases or has ceased to be a Commonwealth place at a particular time all persons, things and circumstances appointed or created by or under the applied provisions in or in relation to that place or existing or continuing under the applied provisions in or in relation to that place immediately before the applied provisions cease or ceased to have effect in or in relation to that place by reason of that place ceasing or having ceased to be a Commonwealth place shall under and subject to the laws of the State continue or shall be deemed to have continued to have the same status operation and effect as they respectively would have had if they had been appointed or created or existed or continued under the laws of the State.

**Duration of
Act.**

15. (1) This Act shall continue in operation until the thirty-first day of December, 1971, and no longer.

(2) The expiry of this Act shall not affect the previous operation thereof or the validity of any action taken thereunder or any penalty, forfeiture or punishment incurred in respect of any contravention of or failure to comply with this Act or any proceedings or remedy in respect of such penalty, forfeiture or punishment.
