

ROAD DISTRICTS.

11° GEO. VI., No. XXV.

No. 25 of 1947.

AN ACT to amend the Road Districts Act, 1919-1946.

[Assented to 12th November, 1947.]

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 *Road Districts Act Amendment Act, 1947*, and shall be read as one with the Road Districts Act, 1919-1946 (No. 38 of 1919 as reprinted pursuant to the Amendments Incorporation Act, 1938, in Volume 2 of the Reprinted Acts of Parliament of Western Australia, 1943, and amended by Nos. 19 of 1943, 9, 46 and 64 of 1946), hereinafter referred to as the principal Act.

Citation of principal Act as amended by this Act.

2. The principal Act as amended by this Act may be cited as the Road Districts Act, 1919-1947.

3. Section two of the principal Act is amended by inserting after the words "PART VII.—BORROWING AND SPECIAL POWERS. (Sections 288 to 319) the following:—

Amendment
of s. 2.

PART VIIA.—AGREEMENTS BETWEEN BOARDS AND THE
STATE HOUSING COMMISSION FOR THE PROVISION
OF ROADS. (Sections 319A to 319F.)

4. Section sixty-four of the principal Act is amended by the addition after the word "Minister" in line two of the words "and on appointment the Returning Officer shall make and subscribe a statutory declaration in the prescribed form."

5. Section sixty-five of the principal Act is amended by the addition after the word "officer" in line five of subsection (1) of the words "and the returning officer shall before commencing his duties make and subscribe a statutory declaration in the prescribed form."

12 of 1913.
Amendment
of s. 65.

6. Section sixty-six of the principal Act is amended by the addition after the word "board" in line five of subsection (1) of the words "and each deputy returning officer and poll clerk shall make and subscribe a declaration in the prescribed form before the returning officer."

Amendment
of s. 66.

7. Section sixty-seven of the principal Act is amended by deleting the words "not exceeding" in line six.

Amendment
of s. 67.

8. Section seventy-four of the principal Act is repealed and substituted by the following:—

Amendment
of s. 74.

74. Before and in time for every election the returning officer shall cause to be printed a sufficient number of ballot papers in the prescribed form and subject to section thirty-seven of this Act, cause to be supplied a sufficient number of copies of the roll for use at each polling place.

9. Section seventy-six of the principal Act is amended—

Amendment
of s. 76.

(a) by inserting before the word "Each" in line one the figure one in brackets thus "(1)",
and

(b) by the addition after the word "election" in line three of the following—

27 of 1907,
s. 113 now
s. 114 in the
1943 reprint.

(2) The appointment of scrutineers shall be made by written notice to the returning officer or deputy returning officer signed by the candidate, giving the names and addresses of the scrutineers, or in case of emergency without such notice by permission and in the discretion of the returning officer or deputy returning officer.

(3) Every scrutineer shall upon his appointment make and subscribe a declaration in the prescribed form in the presence of the returning officer or deputy returning officer.

Amendment
of s. 81.

10. Section eighty-one of the principal Act is amended by—

(a) inserting after the word "officer" in line five of subsection (2) the words "or deputy returning officer",

27 of 1907, s.
124 now s. 125
in the 1943
reprint.

(b) inserting before the word "deliver" in line one of paragraph (a) of subsection (2) the words "mark with his initials on the back in such a position to be seen easily when folded to conceal the vote and", and

(c) adding after subsection (3) the following—

(4) Every returning officer or deputy returning officer who fails faithfully to perform any duty imposed upon him by this section by reason whereof any of the requirements of this section are not effectively fulfilled is liable to a fine not exceeding ten pounds.

Amendment
of s. 160.

11. Section one hundred and sixty of the principal Act is amended by—

(a) substituting the figures thirty-two in brackets thus "(32)" for the figures thirty-one in brackets thus "(31)" secondly appearing therein,

Paragraph
(31) added
by 46 of 1946,
s. 2 and
paragraphs
(31) and
(32) added by
64 of 1946,
s. 4 (b).

- (b) substituting the figures thirty-three in brackets thus “(33)” for the figures thirty-two in brackets thus “(32)”, and
- (c) adding after paragraph (33) the following—
 (34) establish and maintain by annual appropriations of revenue a fund for replacement of plant to be called the plant replacement reserve investment fund to be the subject of a separate account. The money constituting the fund shall be invested in manner authorised by the Minister until required for the replacement of plant.

12. Section two hundred and one of the principal Act is amended by—

Amendment of s. 201.

- (a) substituting the figures sixty-three in brackets thus “(63)” for the figures sixty-two in brackets thus “(62)” secondly appearing therein, and
- (b) substituting the figures sixty-four in brackets thus “(64)” for the figures sixty-three in brackets thus “(63)”.

Paragraph (62) added by 46 of 1946, s. 3 and paragraphs (62) and (63) added by 64 of 1946, s. 6 (c)

13. The principal Act is amended by the addition after section two hundred and eighty six E of the following section:—

New section s. 286EA.

286EA. (1) If land is—

- (a) alienated from the Crown in fee simple,
 (b) rateable property,
 (c) situate wholly or partly in a townsite,
 (d) vacant, whether enclosed with a fence or not enclosed, and
 (e) land in respect of which no rates (whether assessed or not) have been paid for a period of at least seven years expiring on or after the thirtieth day of June One thousand nine hundred and forty-eight
- the board for the district in which the land is situate may apply in form and manner prescribed to the Minister for a certificate that the land shall be vested in His Majesty.

(2) The Minister shall consider the application and the circumstances surrounding the application and may grant or refuse such application.

(3) If the application is granted the Minister shall issue a certificate in form and manner prescribed that the land shall be vested in His Majesty and shall cause to be delivered to the Registrar of Titles, the Registrar of Deeds or other person having the custody or control of any register or public record kept for the purpose of recording the ownership of and transactions relating to land a copy of the certificate.

(4) Upon delivery pursuant to subsection (3) of this section of the copy of the certificate the provisions of section two hundred and eighty-six C of this Act shall apply (the necessary changes by way of adaptation being made) as if the copy of the certificate were a transfer or conveyance (as the case may be) expressed to be in exercise and in professed exercise of the power conferred by that section and accompanied by a declaration under subsection (5) of that section.

Amendment
of s. 291.

of Municipal
Corporations
Act, 1906-
1946, s. 219B,
No. 59 of
1945, s. 10.

14. Section two hundred and ninety-one of the principal Act is amended by the addition after the word "establishment" in line nine of paragraph (da) of the following paragraph—

(db) (i) Subject to the approval of the Governor given on the recommendation of the Minister, and to the provisions of this paragraph, the erection on any land vested in or acquired by the board for the purpose, of houses to be let on lease or sold under contract of sale to any persons to whom the board may be willing to let on lease or sell the same.

(ii) A board which proposes to exercise the power conferred by subparagraph (i) of this paragraph shall in the first instance set out its proposal with all material particulars in writing and submit the same to the Minister for his consideration.

- (iii) On receipt of a proposal from a board under subparagraph (ii) of this paragraph and after consideration thereof the Minister may—
- (a) decline to recommend the same to the Governor, or
 - (b) request the board to amend its proposal in such manner as the Minister may require, or
 - (c) recommend the proposal or the amended proposal (as the case may be) to the Governor for approval.
- (iv) If the Governor approves of a proposal submitted to him under this paragraph, notice of the approval shall be notified to the board and published in the *Government Gazette*.
- (v) The money required for the erection of a house or the acquisition of land for the carrying out of a proposal approved by the Governor under this paragraph shall be expended out of loan moneys raised for the purpose under this Part of this Act.
- (vi) The rents and profits derived by the board from the leasing of houses and the net proceeds derived by the board from the sale of houses under this paragraph shall be used and applied for payment of interest and sinking fund contributions or otherwise for the redemption of the loan from which the moneys were taken.

15. The principal Act is amended by inserting after the word "board" in line four of section three hundred and nineteen the following—

New Part
VIIA.

PART VIIA.—AGREEMENTS BETWEEN BOARDS AND THE
STATE HOUSING COMMISSION FOR THE PROVISION
OF ROADS.

319A. For the purposes of this Part of this Act—

"account" means a separate account recorded by the Board in respect of each agreement.

"advance" means an advance of money by the Commission to a board under an agreement.

“agreement” means any agreement relating to the provision of roads for an area and made between a board and the Commission under this Part of this Act.

“area” means any area of the land dedicated or leased to or purchased or acquired by the Commission for the purposes of the State Housing Act.

“Commission” means The State Housing Commission constituted under the State Housing Act.

“State Housing Act” means the State Housing Act, 1946-1947.

319B. When for any purpose necessary, convenient ancillary or incidental to the furtherance of the objects or facilitating the operation of the State Housing Act the provision of roads is required for any area, a board may at its discretion subject to this Part of this Act and to the approval of the Minister enter into agreements with the Commission and having entered into any agreement shall fulfil the same.

319C. An agreement shall include provision that the Board shall record separately in respect of the agreement an account in which there shall be credited to the Commission the amount of the advance made and debit from time to time to the Commission the amount of the general rate payable on the land in the area until the total of the debits equals the total of the credits when the Board's liability for repayment under the agreement shall be discharged.

The Board shall also pay annually to the Commission interest at the rate determined in the agreement on the amount of the advance outstanding at the beginning of each financial year.

319D. The provisions of sections two hundred and ninety-seven, two hundred and ninety-eight, two hundred and ninety-nine and three hundred of this Act shall not apply to an agreement or anything done in fulfilment thereof.

319E. The provisions of this Part shall apply in respect of agreements made since the thirty-first day of July one thousand nine hundred and forty-seven and any agreement made since that day and anything done in fulfilment thereof is ratified and confirmed.

Provided that agreements shall be deemed to include the provisions of section three hundred and nineteen C of this Act.
