

ROAD DISTRICTS.

10° and 11° GEO. VI., No. LXIV.

No. 64 of 1946.

AN ACT to amend the Road Districts Act, 1919-1943.

[Assented to 24th January, 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:—

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

Short title.
cf. No. 19 of
1943, s. 8.

2. Section sixty-seven of the principal Act is amended by—

Amendment
of s. 67.

- (i) Substituting the word "three" for the word "two" in the second last line of the section.
- (ii) Deleting the words "one guinea" at the end of the section and substituting the words "not less than thirty shillings and not more than two guineas."

Amendment
of s. 69.

3. Section sixty-nine of the principal Act is amended by deleting from subsection (2) the words "one pound" in line two, and inserting in lieu thereof the words "five pounds."

Amendment
of s. 160.

4. Section one hundred and sixty of the principal Act is amended as follows:—

(a) By deleting the words "by Meekatharra District Road Board only" appearing in the last two lines of subsection (29) thereof, and inserting in lieu thereof the words "only by Meekatharra Road Board, and within those districts in the State (including Dalwallinu) where the only suitable electricity generating station is owned by the local authority."

(b) By adding thereto after paragraph (30) new paragraphs as follows:—

Provision of
kindergartens,
etc.

(31) Establish and maintain or subsidise either alone or in conjunction with any other road board or any municipal council kindergartens, community centres, maternal health centres, infant health centres, creches, day nurseries, dental clinics and ambulance services whether within the district of the board, or elsewhere when in the opinion of the board the expenditure thereby incurred will directly or indirectly benefit persons residing in the district of the board.

(32) Contribute on a pound for pound basis towards the cost of improvement of school grounds.

Amendment
of s. 162.

5. Section one hundred and sixty-two of the Act is amended by inserting in line four thereof after the word "shall," the words, "if and when demanded by the board."

Amendment
of s. 201.

6. Section two hundred and one of the principal Act is amended as follows:—

(a) by inserting after the word "use" in the first line of paragraph (49) thereof, the words, "and for prescribing the fees and charges to be paid for the use,";

(b) by repealing paragraph (56) thereof, and inserting in lieu thereof a paragraph as follows:—

(56) For permitting, requiring and compelling the owners and occupiers of occupied or vacant land in townsites to clear such land of trees, scrub and undergrowth.

Clearing
townsite lots.

(c) by adding at the end thereof new paragraphs as follows:—

(62) For permitting and regulating the planting of lawns and gardens in roads by the owners and occupiers of premises abutting thereon, and for the laying of pipes under and the installation of taps in, roads for watering such lawns and gardens with water drawn from a water supply the property of the owner of such pipes and taps, or with water lawfully obtained by such owner from the Minister or statutory body controlling the supply of water in the district in which such water is required as aforesaid; and for prohibiting the riding or driving of animals or vehicles over such lawns and gardens.

Lawns and
gardens in
roads.

(63) For establishing on a voluntary basis superannuation, sick, death, insurance, guarantee or endowment funds for employees of the board and for the deduction of prescribed contributions thereto from the pay of such employees who become contributors.

Superannua-
tion for
employees.

7. Section two hundred and eight of the principal Act is amended by inserting in subsection (3) after the word "wood" in line three of such subsection the words "or other structural material."

Amendment
of s. 208.

8. A section is inserted in the principal Act after section two hundred and eight and in the same division as that section, as follows:—

New section
208A.

208A. (1) The Governor may cause to be prepared model building by-laws for all or any of the purposes for which by-laws may be made by a board under regulation 37 of the building regulations con-

General
building by-
laws.

tained in the Second Schedule to this Act. Such model building by-laws shall be published in the *Government Gazette*.

(2) A board may, of its own motion, by resolution adopt the whole or any portion of such by-laws, with or without modification.

(3) Such resolution shall be published in the *Gazette*, and thereupon shall operate to extend such model building by-laws so adopted to the district, and with the same legal effect for all purposes as if the by-laws or portion so adopted had been passed by the board, and duly brought into effect in accordance with the provisions of this Act relating to the making of by-laws by a board.

(4) Whenever a board adopts the whole or any portion of such model building by-laws, the by-laws so adopted shall in all courts be deemed to be within the powers conferred on the board to make by-laws under this Act and the Second Schedule to this Act.

Amendment
of s. 212.

9. Section two hundred and twelve of the principal Act is amended as follows:—

- (a) by deleting the words “one delegate” in line three of subsection (1) thereof, and inserting in lieu thereof the words “two delegates”; and
- (b) by deleting the word “in” where it appears after the word “expense” in line two of subsection (2), and inserting in lieu thereof the words “or loss in or in consequence of”; and by deleting the words “ten shillings” in the fourth line of subsection (2) and inserting in lieu thereof the words, “one pound.”

Amendment
of s. 219.

10. Section two hundred and nineteen of the principal Act is amended by adding a third proviso thereto as follows:—

Power to re-
value part
only of a dis-
trict.
cf. Vic.
3720, s. 255.

Provided further that it shall not be necessary to have a new valuation made of all rateable property in any district at one time, but such valuation may be made of so much of the rateable property as may seem fit to the board, and any valuation so made

shall be deemed to be part of the existing valuation, and to be in substitution for so much thereof as shall have been revalued.

11. (1) Section two hundred and sixty-nine of the principal Act is amended by inserting at the commencement thereof the brackets and figure “(1)” and by adding a subsection as follows:—

Amendment
of s. 269.

(2) The board may, with the approval of the Minister, refund rates which shall have been paid by any ratepayer in respect of any year or years during which such ratepayer shall have been absent on war service from his farming or grazing land, and in respect only of so much of such land as was unoccupied by reason of the ratepayer's absence as aforesaid; or out of production.

12. (1) Sections two hundred and seventy-five to two hundred and eighty-six, both inclusive of the principal Act (hereinafter in this section referred to as “the repealed sections”) are repealed:

Amendment
of subdivision
(c) of Division
(6) of
Part VI of
principal Act.
Repeal of
sections 275
to 286.

Provided that, where, prior to the commencement of the Road Districts Act Amendment Act, 1946, a board shall have already applied to a Local Court for an order for the sale of any land under the provisions of the repealed section two hundred and seventy-five, the provisions of the repealed sections shall remain in full force and effect in respect of such land until completion of the proceeding, act, matter or thing commenced or in progress under the repealed sections, and the provisions of section sixteen of the Interpretation Act, 1918-1938, shall apply.

Saving of
operation of
repealed sec-
tions.

(2) The following sections are inserted in the principal Act in lieu of the repealed sections:—

New sections
275 to 286F.

275. (1) In any case in which any rates (whether becoming due before or after the commencement of this Act) in respect of any land being rateable property (other than land of or belonging to the Crown)

Powers of
board.
cf. S. A. Local
Government
Act, 1934-
1936, s. 268.

have been due and owing for not less than five years, the board shall by virtue of this Act, have the following powers:—

- I. Power to sell the said land.
 - II. Power to transfer or convey the land sold.
- (2) The said power of sale shall include—
- (a) a power to sell the land or any part thereof either together or in lots by public auction or by private contract subject to such terms and conditions with respect to the payment of the purchase money or any other matter (including power to fix a reserve) as the board thinks fit;
 - (b) power to vary any contract of sale and to buy in at any auction;
 - (c) power to rescind any contract for sale and to resell without being answerable for any loss occasioned thereby;
 - (d) power to make such streets and roads and to grant such easements of right-of-way or drainage over the same as the circumstances of the case may require and the board thinks fit:

Provided that the land shall not be sold by private contract unless or until the same has been first offered for sale by public auction.

Conditions for
exercise of
power of sale.
Ibid. s. 269.
Fourth
Schedule.

276. (1) A board shall not exercise the power of sale conferred by this subdivision unless and until notice requiring payment of all rates owing in respect of the land has been—

- (a) in the case of land under the Transfer of Land Act, 1893-1944, served on the person registered as the proprietor in fee simple thereof by being delivered to him or by being sent in a registered letter posted to him at his address (if any) appearing in the register book;

- (b) in the case of land not under the Transfer of Land Act, 1893-1944, served on the owner in fee simple thereof or on the person appearing by the last memorial relating to the land in the Office of the Registrar of Deeds to be seized of the fee simple thereof, by being delivered to him or by being sent in a registered letter posted to him at his address (if any) appearing in the said memorial;
- (c) served on every person appearing by the register book kept at the Lands Titles Office or any memorial in the Office of the Registrar of Deeds to have any estate or interest in the land by being delivered to him or by being sent in a registered letter posted to him at his address (if any) appearing in the register book or memorial;
- (d) posted on the land for not less than one month; and
- (e) posted in a conspicuous place at the office of the board for not less than one month.

(2) If in the case of any person required by this section to be served, no sufficient address appears in the register book or memorial, notice requiring payment shall be served on that person by being advertised once in a newspaper circulating in the neighbourhood of the land, and once in the *Gazette*. It shall be competent to include in any such notice lands within the same area belonging to more than one owner. Any such notice may be in the form No. 1 in the Fourth Schedule, or in a form to the like effect.

277. (1) Every such notice requiring payment shall—

Contents of
notice.
Ibid., s. 270.

- (a) be in writing and be dated and signed by the secretary on behalf of the board;
- (b) specify the total amounts owing in respect of rates of which payment is required;

- (c) specify the land in respect of which the rates are owing by a sufficient description of the land and the name of the registered proprietor in fee simple or the person seised of the fee simple thereof; and
- (d) include a statement that in default of payment of the amounts therein specified, the land will be offered for sale by public auction after the expiration of three months from the date of notice at a time appointed by the board.

(2) Subject to subsection (2) of section two hundred and seventy-six, every such notice may be in the form No. 2 in the Fourth Schedule, or in a form to the like effect.

Fixing of time
for sale by
auction.
Ibid. s. 271.

278. The board shall appoint a time not less than three months and not more than twelve months from the service of the notices required by section two hundred and seventy-six at which the land may be offered for sale by public auction.

Advertisement
for sale.
Ibid. s. 272.

279. (1) The sale shall be advertised—
- (a) twice at least in a newspaper circulating in the neighbourhood of the land;
 - (b) once at least in the *Gazette*;
 - (c) by posting a copy of the advertisement in a conspicuous place at the office of the board and keeping the same so posted for not less than twenty-one days;
 - (d) by delivering a memorial of the advertisement to the Registrar of Titles, Registrar of Deeds, or other person having the custody or control of any register or public record relating to the said land, who, on payment of the prescribed fee, shall register such memorial and endorse or note the title or land register of every piece of land comprised therein.
 - (e) by such further and other means (if any) as in the circumstances are reasonable and proper.

(2) Every such advertisement shall contain a sufficient description of the land and any improvements thereon (if any).

(3) In the advertisement it shall be competent to include lands within the same district belonging to more than one owner.

280. Up to the time of the actual sale of any land for non-payment of rates any person having any estate or interest in the land may pay all rates then in arrear, and the costs then incurred, and thereafter the proceedings shall be stayed, and the board shall deliver to the Registrar of Titles, Registrar of Deeds or other person having the custody or control of any register or public record relating to the said land for noting on the title or land register, a certificate under the hand of the secretary certifying that such rates and costs have been paid, and such title or land register shall be noted accordingly by the proper officer, whereupon the said land shall cease to be bound.

Right to pay rates.
Ibid. s. 273.

281. A board exercising the power of sale conferred by this subdivision shall have power by proper transfer (where the land is under the Transfer of Land Act, 1893-1944, and subject to registration under that Act), and by proper deed or transfer (where the land is not under the Transfer of Land Act, 1893-1944), to transfer or convey an indefeasible estate in fee simple, or (if such land has not been alienated from the Crown in fee simple) all the estate and interest therein of every person (other than the Crown), and all the estate and interest which any such person is entitled or able to transfer, assign, convey or dispose of therein, and the estate of the purchaser shall be subject to the exceptions, conditions and powers (if any) contained in the grant or Crown lease or conditional purchase lease of the land, and to any public rights of way and to any easements acquired by enjoyment or user or subsisting over and upon or affecting any land, and to any charge imposed by a law of the Commonwealth, and to any rates and taxes imposed or to be imposed on or in respect of the land after the date of the sale,

Power of board to transfer or convey land.
cf. ibid.
s. 274, and
W.A. s. 280.

and to any mortgage in favour of the Rural and Industries Bank of Western Australia but free from other encumbrances and charges.

Statutory
declaration.
Ibid s. 275.

282. A transfer or conveyance expressed to be in exercise of the power of sale conferred by this subdivision shall, if accompanied by a statutory declaration by the secretary of the board that the provisions of this subdivision have been complied with, be accepted by the Registrar of Titles, the Registrar of Deeds, the Under Secretary for Lands or other person having the custody or control of any register or public record relating to the said land, as sufficient evidence that the power of sale has been duly exercised.

Duties of
board and
Registrar.

283. (1) The transfer or conveyance shall be in the proper form prescribed by the Act or law governing the registration of transfers or conveyances of the land, and shall be executed under the common seal of the board.

(2) The transfer or conveyance shall be forwarded to the Registrar of Titles, Registrar of Deeds, Under Secretary for Lands, or other person having the custody or control of the public record relating to the said land, for registration, and shall be accompanied by the prescribed registration fees.

(3) Where the land sold is under the Transfer of Land Act, 1893-1944, the Registrar of Titles, upon production to him of the transfer and declaration as aforesaid, shall register the same, and notwithstanding any provision of the said Act to the contrary, production of the certificate of title shall not be required, but, for the purposes of registration, the Registrar may, if he thinks fit, make such orders and publish such advertisements as are provided for in the case of dealings with land when the certificate of title is lost or not produced.

(4) Where any transfer or conveyance is made in professed exercise of the power of sale conferred by this Act, the title of the purchaser shall not be impeachable on the ground that no case had arisen to authorise the sale or that due notice was not given or that the power was otherwise improperly or irregularly exercised; but any person damnified by

an unauthorised or improper or irregular exercise of the power shall have his remedy in damages against the board by which the power was exercised. No such person shall have his remedy in damages or for compensation against the Crown or the assurance fund established under the Transfer of Land Act, 1893-1944.

284. If rates are owing for the period aforesaid in respect of more than one piece of land in the name of the same owner, within the same district, all the said moneys and all the said lands may be set forth in one notice requiring payment and in one advertisement of sale.

Combination
of all lands of
same owner.
Ibid. s. 278.

285. The money received by the board arising from the sale shall, notwithstanding the disability of any person or any statute of limitations, be held by the board to be applied as follows:—

Application
of purchase
money.
cf. *ibid.*
s. 279, W.A.
s. 279.

Firstly—In payment of the costs, charges and expenses properly incurred by the board as incidental to the sale or attempted sale or otherwise;

Secondly—In payment of all unpaid rates and taxes, and any costs and other moneys (if any) due to or imposed in favour of the Crown in right of the State or any department, agency, instrumentality or branch of His Majesty's Government of the State other than the Rural and Industries Bank of Western Australia, and also of all unpaid rates due to or imposed by the board and the local authority under the Health Act, 1911-1944, in respect of the land at the time of the sale, whether pursuant to this Act or any other Act, and whether a charge upon the land or not: Provided that where the moneys remaining after the payments provided for in the next preceding paragraph have been made, are not sufficient for the payment in full of all the items mentioned and provided for in this paragraph, such moneys shall be distributed between the Crown, the department, the agency, the instrumentality, the branch and the board pro rata with the amounts of their claims respectively, unless the Governor, or the Minister controlling the department, agency, instrumentality or branch (as the case may require) shall consent to rank after the board or local authority, or both;

Thirdly—In payment of any moneys due under any mortgage to the Rural and Industries Bank of Western Australia: Provided that nothing in this Act shall affect the validity or operation of section eighty-nine of the Rural and Industries Bank Act, 1944;

Fourthly—In payment of all vendor's costs and expenses of and in connection with conferring upon the purchaser a clear title to the land;

Fifthly—In or towards the discharge of all or any other mortgages, encumbrances, whether registered or not, according to their respective priorities, so far as the same can be ascertained by the board;

Sixthly—In payment of the residue of the money within twelve months after the receipt thereof to the person who would, but for the proceedings for sale, be entitled to the land, or if there be several persons who would be so entitled, then to such persons in the proportions in which they would be respectively so entitled: Provided that, if any person is entitled to an estate in reversion or remainder in the said land, the money may be paid into the Supreme Court under section forty-six of the Trustees Act, 1900:

And thereafter any money so paid into Court shall be subject to the provisions of the said Act so far as the same are applicable; but any petition, claim, suit or action for or in respect of any such moneys shall be presented within six years after payment as aforesaid of the residue into the Supreme Court, and after the expiration of the said period, all moneys then in the Supreme Court to the credit of the particular trust concerned shall, if there be no such petition, claim, suit or action pending, or any order of the Supreme Court to the contrary, be paid into and form part of the general revenue of the State.

286. The receipt in writing of the board, under the hand of the chairman and secretary, shall be a sufficient discharge for any money paid on the exercise of the power of sale conferred by this subdivision, and a person paying the same to a board shall not be concerned to inquire whether any money remains due to the board for rates or otherwise in respect of the land sold.

286A. Where any alteration has been made in the boundaries or constitution of any district wherein the land was situate during the period when the rates or part thereof became due, the board of the district within which the land is situate at the time the provisions of this subdivision are put into force shall be entitled to exercise all the powers conferred by this subdivision.

Changes in boundaries of districts.
Ibid. s. 281.

286B. If the land is not sold, and, in the case of land under the Transfer of Land Act, 1893-1944, a transfer thereof is not registered within twelve months of the date of the delivery to the Registrar of Titles of a memorial of the advertisement referred to in section two hundred and seventy-nine of this Act, then, subject to the two next succeeding sections of this Act, the advertisement and all subsequent proceedings under this subdivision shall no longer be in force, and shall cease to bind the land.

Power to sell after advertisement lapses if sale not made within a year.
of former W.A. s. 277.

286C. If any land is offered for sale by auction pursuant to this subdivision, but no bid is made for the land at the auction, and the land is unsold within the period of twelve months mentioned in the last preceding section, and has been alienated from the Crown in fee simple, the board, with the consent of the Minister, shall have power by transfer (where the land is under the Transfer of Land Act, 1893-1944) and by deed (where the land is not under the Transfer of Land Act, 1893-1944) to transfer or convey an estate in fee simple to His Majesty. The Minister shall not give his consent as aforesaid unless he is satisfied that there is no reasonable prospect of selling the land pursuant to this subdivision within a reasonable time.

Power to transfer land to Crown.
Ibid. s. 281A.

(2) Where the land is under the Transfer of Land Act, 1893-1944, the transfer shall be executed in proper form under the common seal of the board, and where the land is not under such Act, the conveyance shall be executed under the common seal of the board, and shall be registered under the Registration of Deeds Act, 1856.

(3) Upon the transfer or conveyance being lodged with him, or the conveyance being registered, the Registrar of Titles, or Registrar of Deeds, as the case may be, shall make any entry in the register

book or other book of the Office of Titles or the Office of the Registrar of Deeds which may be necessary or proper to evidence that the land is vested in His Majesty. Notwithstanding the provisions of the Transfer of Land Act, 1893-1944, upon the making of such entry the land shall be deemed to be, and may be dealt with as, Crown lands free from any mortgage, lease, tenancy, encumbrance, charge or reservation of any kind.

If the land is under the Transfer of Land Act, 1893-1944, the Registrar of Titles shall cancel any certificate of title relating to the land by indorsing thereon "Cancelled, the within land having been acquired by the Crown and removed from the operation of the Transfer of Land Act, 1893-1944," and the land shall, for the purposes of the Transfer of Land Act, 1893-1944, and until again alienated from the Crown, be dealt with and regarded in all respects as if it had never been alienated from the Crown.

If the land is not under the Transfer of Land Act, 1893-1944, the Registrar of Deeds may require the board to deposit with him a plan or map of the land as if an application had been made to bring the land under the Transfer of Land Act, 1893-1944.

(4) No stamp duty shall be payable upon any such transfer or conveyance, and no fee of any kind shall be payable upon lodging or registering any such transfer or conveyance in the Office of Titles or the Office of the Registrar of Deeds.

(5) A transfer or conveyance expressed to be in exercise of the power conferred by this section shall, if accompanied by a statutory declaration of the secretary that the provisions of this subdivision have been complied with, be accepted by the Registrar of Titles or the Registrar of Deeds, as the case may be, as sufficient evidence that the power has been duly exercised.

(6) No transfer or conveyance made in professed exercise of the power conferred by this section shall be impeachable on the ground that no case had arisen to authorise the exercise of the power, or that due notice was not given, or that the power was otherwise improperly or irregularly exercised, but any

person damnified by an unauthorised or irregular exercise of the power shall have his remedy in damages against the board by which the power was exercised. No such person shall have his remedy in damages or for compensation against the Crown or the assurance fund established under the Transfer of Land Act, 1893-1944.

286D. (1) If any land is offered for sale by auction pursuant to this subdivision, but no bid is made for the land at the auction, and the land is unsold within the period of twelve months mentioned in section two hundred and eighty-six B of this Act, and has been alienated from the Crown in fee simple, the board, with the consent of the Minister, shall have power by transfer (where the land is under the Transfer of Land Act, 1893-1944) and by deed (where the land is not under the Transfer of Land Act, 1893-1944) to transfer or convey an estate in fee simple to the board. The Minister shall not give his consent as aforesaid unless he is satisfied that there is no reasonable prospect of selling the land pursuant to this subdivision within a reasonable time, and the said consent may be given on the condition that the board will pay the whole or any part of any sum secured by or payable under any mortgage, lease, tenancy, encumbrance or charge in favour of the Crown, the Government of the State, or any department, agency instrumentality or branch of such Government.

Power to
transfer land
to board.
Ibid. s. 281B.

(2) Where the land is under the Transfer of Land Act, 1893-1944, the transfer shall be executed in proper form under the common seal of the board, and where the land is not under such Act, the conveyance shall be executed under the common seal of the board, and shall be registered under the Registration of Deeds Act, 1856.

(3) The Registrar of Titles or Registrar of Deeds, as the case may be, shall, on receipt of any such transfer or conveyance and upon payment of the prescribed fee, make an entry in the register book or other appropriate book which may be necessary or proper to evidence that the land is transferred or conveyed to the board, and in the case of land under the Transfer of Land Act, 1893-1944, the Registrar

of Titles may issue to the board a Certificate of Title. If the land is not under the Transfer of Land Act, 1893-1944, the Registrar of Deeds may require the board to deposit with him a plan or map of the land as if an application had been made to bring the land under the Transfer of Land Act, 1893-1944.

(4) A transfer or conveyance expressed to be in exercise of the power conferred by this section shall, if accompanied by a statutory declaration of the secretary that the provisions of this subdivision have been complied with, be accepted by the Registrar of Titles and Registrar of Deeds as sufficient evidence that the power has been duly exercised.

(5) No stamp duty shall be payable upon any such transfer or conveyance.

(6) Notwithstanding the provisions of the Transfer of Land Act, 1893-1944, the registration of a transfer as aforesaid shall vest in the board an indefeasible estate in fee simple in the land free from any mortgage, lease, tenancy, encumbrance or charge.

(7) No transfer or conveyance made in professed exercise of the power conferred by this section shall be impeachable on the ground that no case had arisen to authorise the exercise of the power, or that due notice was not given, or that the power was otherwise improperly or irregularly exercised, but any person damaged by an unauthorised or improper or irregular exercise of the power shall have his remedy in damages against the board by which the power was exercised. No such person shall have his remedy in damages or for compensation against the Crown or the assurance fund established under the Transfer of Land Act, 1893-1944.

Discharge of
liability on
sale of land.
Ibid. s. 282.

286E. Any sale of land by the board pursuant to this subdivision, or any transfer or conveyance made pursuant to either of the two next preceding sections of this Act, shall discharge the land and all owners and occupiers thereof, and all previous owners and occupiers thereof, from any liability to the board for rates or other moneys due to the board for any purpose which, at the time of the sale or the transfer or the conveyance, were a charge upon the said land, or

which were otherwise recoverable by the board in respect of the said land, whether pursuant to this Act or any other Act.

286F. Subject to section two hundred and eighty-six E of this Act, the powers conferred by this subdivision shall not affect any other remedy of a board for the recovery of rates.

Saving provision.
Ibid. s. 283.

13. Section three hundred and fifty-nine of the principal Act is repealed and the following section inserted in lieu thereof:—

Amendment of s. 359.
Repeal and new section.

359. The boards of two or more districts, or the council of a municipality and board or boards of one or more adjoining districts, may at their joint expense construct and maintain in any district any work which a board is authorised by this Act to construct, and may apportion the expenditure and revenue between the respective boards, or between the respective municipality and board or boards as the case may be.

Works may be constructed by several boards, or by boards and a municipality jointly.

Every such work shall be and continue under the control of the Local Authority of the district or municipality in which it is situated, but the by-laws relating to the same shall, before confirmation or enactment by the Governor, be submitted to the several boards and the municipality (if any) concerned.

14. A section is inserted after section three hundred and fifty-nine of the principal Act as follows:—

New section 359A.

359A. (1) A board or a ratepayer of any district or any person interested may lay a complaint and take proceedings to try the validity of any assessment, or general or loan rate or order for borrowing money affecting such district or any part thereof.

Jurisdiction to try validity of assessment, rate or order for borrowing money.
cf. S.A. Local Government Act, 1934-1936, s. 709 (e).

(2) Such proceedings shall be had and taken before, and be determined by, a resident or stipendiary magistrate sitting as a court of summary jurisdiction in a summary way.

(3) The Court of summary jurisdiction may make an order quashing any such assessment, rate or order for borrowing money, which for any reason is invalid.

Ibid. s. 710.

(4) The costs of the complaint and hearing thereof as between party and party shall be taxed by the Clerk of the Court and paid by the unsuccessful party to the successful party unless the Court for good cause otherwise orders.

Ibid. s. 714.

(5) No proceedings to try the validity of any such assessment, rate or loan shall be had or taken except upon complaint.

(6) Every such complaint shall be laid and every summons issued in respect thereof shall be served within four months of the striking of the rate, or within two months from the time when the resolution for the loan was passed.

Amendment
of Second
Schedule.

15. The Second Schedule to the principal Act is amended by inserting therein after regulation 2 a new regulation as follows:—

(2a) No building already erected on any land shall, in relation to its structure, be amended, altered, extended, or enlarged, and no person shall commence or proceed with the amendment, alteration, extension or enlargement of the structure of any such building unless and until a plan showing clearly the amendment, alteration, extension or enlargement proposed to be made and the area of land to be occupied by the amendment, alteration, extension or enlargement of the existing building and a copy of the specification thereof have been laid before and approved by the board.

Fourth
Schedule,
s. 276.

16. A schedule is inserted in the principal Act after the Third Schedule as follows:—

THE FOURTH SCHEDULE.

Section 276.

Form No. 1.

The Road District.

Notice Requiring Payment of Rates under Part VI. of the Road Districts Act, 1919-1946.

The several registered proprietors or owners in fee simple, or persons appearing by the last memorial in the Office of the Registrar of Deeds to be seized of the fee simple respectively of the several pieces of land described in the fourth column of the Schedule hereto, and persons appearing in the Register Book or by memorial in the office of the Registrar of Deeds to have respectively an estate or interest in such land, and whose names appear in the first column of the said Schedule.

Take Notice that—

1. Default has been made in the payment to the board of the Road District abovenamed of a rate charged on the several pieces of land described in the fourth column of the Schedule hereto, and the said default has continued in respect of each separate piece of land since the date in the second column of the Schedule hereto set opposite the description of that piece of land;

2. The total amount owing to the said board in respect of rates and other amounts charged on each piece of land is in the third column of the Schedule hereto set opposite the description of that piece of land;

3. Payment of these amounts representing rates (*or as the case may require*) is hereby required; and

4. In default of payment thereof, the said several pieces of land will be offered for sale by public auction after the expiration of three months from the date hereof at a time appointed by the said board.

The pieces of land in respect of which the rates specified in the third column of the Schedule hereto are owing are those severally described in the fourth column of the said Schedule and set opposite the respective amounts so specified.

Dated the..... day of.....19..

.....

Secretary of the Board.

SCHEDULE HEREINBEFORE REFERRED TO.

Names of Registered Proprietors or owners, and also of all other persons having an estate or interest in the land.	Date since which the default has continued.	Amount owing, showing separately the amount owing as rates, and any other amounts owing.	Description of the several pieces of land referred to.

Section 277.

Form No. 2.

The Road Board District.

Notice Requiring Payment of Rates under Part VI. of the Road Districts Act, 1919-1946.

Where the land is under the Transfer of Land Act, 1893-1944.

To A.B. the registered proprietor in fee simple of the land herein after described, and C.D. (and E.F.), a person (or persons) appearing by the Register Book to have an estate or interest in the said land.

Where the land is not under the Transfer of Land Act, 1893-1944.

To A.B. the person or the person appearing by the last memorial in the Office of the Registrar of Deeds to be seized of the fee simple of the land hereinafter described, and to C.D. (and E.F.), a person (or persons) appearing by a memorial in the Office of the Registrar of Deeds to have an estate or interest in the said land.

Take notice that—

1. Default has been made in the payment to the board of the.....Road District abovenamed of a rate charged on the land hereinafter described, and the said default has continued since the.....day of.....19 (*insert date on which rate became payable*).

2. The total amount owing to the said board in respect of rates charged on the land is (*state amount in figures*) and the total amount owing to the said board in respect of other amounts charged on the land is (*state amount in figures*).

3. Payment of these amounts representing rates (or as the case may require) is hereby required; and

4. In default in payment thereof, the said land will be offered for sale by public auction after the expiration of three months from the date hereof at a time appointed by the said board.

The land in respect of which the rates are owing is:—

(Specify the land by a sufficient description.)

Dated the.....day of.....19..

.....

Secretary of the Board.

Citation of principal Act as amended.

17. The principal Act as amended by this Act may be cited as the Road Districts Act, 1919-1946.