

**GOLDFIELDS WATER SUPPLY.**

6° GEO. VI., No. XX.

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**No. 20 of 1942.****AN ACT to amend the Goldfields Water Supply Act, 1902.**

[Assented to 9th December, 1942.]

**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 *Goldfields Water Supply Act Amendment Act*, 1942, and shall be read as one with the Goldfields Water Supply Act, 1902 (2 Edw. VII. No. 33), hereinafter referred to as the principal Act.

New section.      2. A section is inserted in the principal Act after section thirty-four, as follows:—

Provision  
for supplying  
groups of  
houses.

34A. (1) The Board may supply a group of dwelling-houses by means of a stand-pipe or other prescribed fittings, and the Board shall be entitled to receive and recover water rates from the owners and occupiers thereof in the same manner as if the supply had been distributed in each of the dwelling-houses in the ordinary manner.

- (2) The expense of providing the stand-pipe or other prescribed fittings and fixing them in readiness for use, and of renewing and repairing them from time to time shall be borne by the owners or occupiers of such dwelling-houses in such proportions as the Board may direct.

3. Section fifty-nine of the principal Act is amended as follows:— Amendment of s. 59.

- (a) by inserting after the word “particulars” in line two the words “of any property which may have become rateable, or;”
- (b) by adding at the end of the section the words “and otherwise amending the same.”

4. Section eighty-three of the principal Act is repealed and a section is inserted in lieu thereof as follows:— Amendment of s. 83. Repeal and new section.

83. (1) If money due for rates or water supplied under this Act remains unpaid for the term of three years or longer after the same became due and payable in respect of any land, the Board may cause a notice in the form of the Seventh Schedule to this Act to be published in the *Government Gazette* and in a newspaper usually circulating in the water area district, three times, at intervals of not less than one week between any two publications. Land may be sold for arrears of rates, etc., remaining unpaid for three years.

(2) If the money due and expenses are not paid at or before the expiration of the time specified in such notice, the Board may present a petition in the form of the Tenth Schedule to this Act to the local court held nearest to the office of the Board, stating the imposition of the rate on the said land, the supply of water (if any), and the amount due for the same, the non-payment thereof and the publication of the notices aforesaid.

(3) The magistrate of the local court, on being satisfied of the proof of such circumstances, shall order the said land or such part thereof as may be deemed sufficient to satisfy the money due, expenses, and costs to be sold by the bailiff of the local court or by some other

person, to be named in such order, by public auction, and the proceeds of such sale to be paid to the clerk of the local court.

- (4) The magistrate may, at the time of making any such order, give any directions that he may deem proper touching the time and place of such sale and the notice to be given thereof, and such directions, unless subsequently varied by the magistrate, shall be adhered to.
- (5) No neglect of any such directions shall in any wise invalidate any such sale; but the person or persons neglecting the same may be ordered by the magistrate to make compensation, to be assessed as the said court may direct, to any person injured by such neglect.
- (6) A certificate of sale of any land, according to the form in the Eighth Schedule to this Act, made out by the bailiff or other person directed in the order of the magistrate to sell the same shall be given to the purchaser; and the Registrar of Titles, the Under Secretary for Lands, or the Under Secretary for Mines, as the case may be, on production of the said certificate and of an office copy of the said order and on payment of the proper fees shall register the certificate of sale in like manner as a transfer of land, and issue to such purchaser a certificate or other instrument of title free from all encumbrances other than a mortgage to the Agricultural Bank of Western Australia.
- (7) The moneys arising from the sale of the land shall be paid into the local court and shall, in priority to every mortgage, encumbrance, lien, caveat, judgment, writ, warrant or other charge, agreement, or process registered against or in any way affecting the land, and notwithstanding the disability of any person or any statute of limitations be applied by the clerk of the court under the direction of the magistrate—

Firstly—In payment of the costs and expenses of the bailiff or other person of and incidental to the sale of the land:

Provided that, if the moneys arising from the sale of the land are insufficient to pay such costs and expenses, the same or the balance unpaid shall be a debt due by the Board to the bailiff or other person aforesaid and may be recovered by him accordingly.

Secondly—In payment of the costs and expenses of the Board of and incidental to the publication of the notices and the petition to the local court for the order for the sale of the land.

Thirdly—In payment of all unpaid rates and taxes at the time of the sale due to or imposed in favour of the Crown in right of the State or any department or agency of the Government of the State, and also of all moneys unpaid and due to the Board, and also of all unpaid rates due to or imposed by the municipal council or road board and the local authority under the Health Act, 1911-1937, in respect of the land at the time of the sale:

Provided that, where the moneys remaining after the payments provided for firstly and secondly herein have been made are not sufficient for the payment in full of all the rates, taxes, and other moneys mentioned and provided for in this paragraph, such moneys shall be distributed between the Crown, the department, the agency, the Board, the municipal council, or road board and the local health authority *pro rata* with the amounts of their claims respectively.

Fourthly—In payment of any moneys due under any mortgage to the Agricultural Bank of Western Australia.

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

Sixthly—In or towards the discharge of all or any other mortgages or mortgage encumbrances or encumbrance proved to the satis-

faction of the magistrate to exist over the land, due regard being had to the respective priorities of any such mortgages or encumbrances.

Seventhly—In payment to the person who would but for the proceedings for sale be entitled to the land, or if there are 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:

Provided that, with the consent of the Governor or of the Minister controlling any department or agency of the Government of the State (as the case may require), the magistrate may order that any unpaid rates and taxes due to or imposed in favour of the Crown or any such department or agency as aforesaid shall be postponed to or shall rank on an equal footing with the moneys unpaid to the Board in respect of the land sold, and such order shall be given effect to.

Amendment  
of Seventh  
Schedule.

5. The Seventh Schedule to the principal Act is amended—

- (a) by substituting the words “three years” for the words “twelve months” in the fifth line; and
- (b) by deleting from the form contained therein the words “Supreme Court” where they appear in lines twelve and thirteen of the said form, and inserting in lieu thereof the words “Local Court held nearest to the office of the Board.”

Amendment  
of Eighth  
Schedule.

6. The Eighth Schedule to the principal Act is amended by deleting from the form contained therein the words “Supreme Court” where they appear in line three of the said form and inserting in lieu thereof the words “Local Court held at.....”

7. A Schedule is added to the principal Act after the Ninth Schedule as follows:—

New Schedule.

**TENTH SCHEDULE.**

Section 83 (2).

**THE GOLDFIELDS WATER SUPPLY ACT, 1902-1942.**

*Petition for an Order for Sale of Land on which Moneys for Rates or Water supplied are in Arrears.*

In the Local Court } In the matter of the Goldfields Water  
at } Supply Act, 1902-1942.  
and  
In the matter of an Application by the Goldfields Water Supply Board for an order for sale of land for unpaid rates (or water supply charges).

THE Petition of the said Goldfields Water Supply Board sheweth to the said Local Court as follows:—

1. Certain rates (or certain water supply charges) duly made on assessments by the petitioner in respect of the land described in the Schedule hereto, which said lands are situate in the..... water area, have been unpaid for three years or longer since they became due and payable, and there is now due to the petitioner for and in respect of such rates (or water supply charges) on each piece or parcel of the said land the sum indicated in respect of such piece or parcel in the said Schedule.

2. The petitioner has duly published the notices required by and in accordance with subsection (1) of section 83 of the Goldfields Water Supply Act, 1902-1942.

3. The petitioner therefore prays that the said land may be ordered to be sold pursuant to section 83 of the Goldfields Water Supply Act, 1902-1942.

**SCHEDULE.**

| No.  | Description of Land. | Reference to Volume and Folio of Title to Land if under the Transfer of Land Act, 1893. |        | Name and Address of rateable Owner or Occupier of Land. | Rates (or Water Supply charges) due to the Board and in Arrear. |
|------|----------------------|---|--------|---|---|
|      |                      | Vol.  | Folio. |   |   |
| 1    |                      |   |        |   |   |
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| 3    |                      |   |        |   |   |
| 4    |                      |   |        |   |   |
| etc. |                      |   |        |   |   |

The Common Seal of the Goldfields Water Supply Board was hereunto affixed the.....day of.....19.. in the presence of—

Citation of  
principal Act  
as amended.

8. The principal Act as amended by the Goldfields Water Supply Act Amendment Act, 1911 (No. 50 of 1911), and the Goldfields Water Supply Act Amendment Act, 1925 (No. 15 of 1925), and by this Act may be cited as the Goldfields Water Supply Act, 1902-1942.

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