

ROAD DISTRICTS.

5° GEO. VI., No. XXII.

No. 22 of 1941.

AN ACT to amend the Road Districts Act, 1919-1939.

[Assented to 25th November, 1941.]

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,
c.f. No. 54, of
1939, s. 3;
No. 56 of
1939, s. 3.

1. This Act may be cited as the *Road Districts Act Amendment Act (No. 2)*, 1941, and shall be read as one with the Road Districts Act, 1919-1939 (No. 38 of 1919, as reprinted in the Appendix to the Sessional Volume of the Statutes for the year 1933-1934 and amended by the Acts No. 16 of 1934, No. 19 of 1934, No. 48 of 1934, No. 33 of 1938, No. 48 of 1938, No. 54 of 1939, and No. 56 of 1939), hereinafter referred to as the principal Act.

Amendment of
s. 8.

2. Section eight of the principal Act is amended by adding thereto a subsection, as follows:—

(3) When any parcel of land lies partly in one district and partly in another district as constituted by the Governor under subsection (1) of this section, and it is necessary or desirable that one only of the local authorities of the said districts shall exercise the functions of a local authority under this Act in relation to the whole of the said parcel of land, then, and in any such case, in lieu of the Governor exercising any power conferred upon him by subsection (1) of this section, it shall be lawful for either or both of the local authorities concerned to apply to the Minister for a determination by him of the question whether or not the whole of the said parcel of land shall be included in the district of one local authority, and, if such parcel of land shall be

included in one district, in which of the said districts it shall be so included, and when any such application is made to the Minister, it shall be lawful for the Minister to determine the questions aforesaid; and any determination made by the Minister shall be final and conclusive and shall have and take effect according to the tenor thereof. Before any local authority shall apply to the Minister for the determination of any of the questions aforesaid the local authority shall give notice in writing of its intention to make such application to any ratepayer interested in such parcel of land.

Any ratepayer interested shall be entitled to acquaint the Minister in writing of his desire as to any of the questions to be determined and his reasons therefor. The Minister in arriving at his determination of any of the questions aforesaid shall take into consideration any desire so expressed:

Provided that any determination by the Minister under this subsection shall not in any way affect the exercise by the Governor of any power conferred upon him by subsection (1) or subsection (2) of this section.

3. Section thirty-four of the principal Act is amended by adding thereto a further proviso, as follows:—

Amendment of
s. 34.

Provided further that—

- (i) when, in accordance with the next preceding proviso to this section any person selects the ward or wards in which he desires to be registered as an elector he shall also, when making such selection, state the number of votes to which he is entitled, which he desires to exercise in the ward, or in each of the wards respectively, which he has selected as aforesaid; and
- (ii) when any person fails to select the ward or wards in which he desires to be registered as an elector, or fails to state the number of votes which he desires to exercise in any ward or in each of the wards respectively which he has

selected as aforesaid, the Board, when dealing with or reviewing the electoral list, may select for such person the ward or wards in which he shall be registered as an elector and determine the number of votes which he may exercise in the ward, or in each of the wards respectively, which shall have been selected by the board for such person as aforesaid; and

- (iii) whenever an elector, or the board acting for an elector, has selected the ward or wards in which the elector shall be registered as an elector, and has stated or determined the number of votes which the elector may exercise in the ward, or in each of the wards respectively which have been selected as aforesaid, no alteration in the selection of the ward or wards, or in the statement or determination of the votes aforesaid, shall be made until after the expiration of three years from the date when the said selection or the said statement or determination was made.

Amendment of
s. 38.

4. Section thirty-eight of the principal Act (as amended by section four of the Act No. 48 of 1938) is amended, as follows:—

- (a) by deleting from subsection (1) the word “may” in line two of the said subsection and inserting in lieu thereof the word “shall;”
- (b) by deleting from subsection (2) the word “shall” in line two of the said subsection and inserting in lieu thereof the word “may.”

Amendment of
s. 87.

5. Section eighty-seven of the principal Act is amended by deleting subsection (6) and inserting in lieu thereof a subsection, as follows:—

- (6) All ballot papers and counterfoils used under this section shall be in the prescribed form, and be issued by the Minister, and no other form shall be used, and the Minister shall supply to every returning officer or other person appointed for the purpose such number of ballot papers and counterfoils as shall be necessary, and such returning officer, or other

person aforesaid, shall be charged with the duty of keeping the safe custody thereof pending their use in an election. Every counterfoil shall bear a distinct number.

6. Section one hundred and thirty-two of the principal Act is amended by adding thereto a proviso as follows:— Amendment of s. 132.

Provided, that where by reason of the absence of any member or members with the leave of the board, or by reason of any other exceptional circumstances, the Minister is satisfied that a major part of the number of members for the time being assigned to the board may not be available to form a quorum at any meeting or meetings of the board, the Minister may, by notice in writing under his hand to the chairman of the board, fix a number of members, less than the major part aforesaid, which shall constitute a quorum during the period specified in such notice, and during the currency of such notice the number of members specified therein shall constitute a quorum of the board.

7. Section one hundred and sixty-two of the principal Act is amended by inserting therein after paragraph (8) a new paragraph, as follows:— Amendment of s. 162.

(8a) In the event of the board contracting with any person for the sale and supply by such person of electricity to consumers within the district of the board (including the board as such a consumer), give to such person a guarantee in respect of the amount of the gross revenue to be received by such person from the sale and supply of electricity to consumers within the district of the board.

8. Section two hundred and forty-five of the principal Act is amended by deleting subsection (5) and inserting in lieu thereof a subsection, as follows:— Amendment of s. 245.

(5) When the proceeds of a loan have been invested in a reproductive undertaking, the Board may, with the consent of the Minister, use and apply the net income derived from such undertaking to

meet its commitments each year in respect of interest and sinking fund in relation to the said loan and—

- (a) where such net income is sufficient to meet in full the amount of the board's said commitments in any year, it shall not be necessary for the board to impose a loan rate under subsection (1) of this section for that year;
- (b) where such net income is sufficient to meet only in part the amount of the board's said commitments in any year, the board may impose such loan rate under subsection (1) of this section as will be sufficient to provide an amount which, together with the said net income available, will be sufficient to meet in full the board's said commitments for that year;
- (c) if in any year the net income and the proceeds of the loan rate imposed under paragraph (b) of this subsection are together insufficient to meet the commitments of the board in that year in respect of any such undertaking the board may pay the deficiency out of its general revenue, and in such case subsection (4) of this section shall apply.

Amendment of
s. 253.

9. Section two hundred and fifty-three of the principal Act is amended by inserting therein after the word "district" in line one the words "or any portion of any district."

Amendment of
s. 257.

10. Section two hundred and fifty-seven of the principal Act is amended by adding to subsection (3) a proviso, as follows:—

Provided that this subsection shall not apply when the person appealing is a pensioner or other person who has claimed and obtained under the provisions of the Pensioners (Rates Exemption) Act, 1922-1938, exemption from liability for the payment of rates under this Act.

Citation of
principal Act
as amended.

11. The principal Act as amended by all the Acts amending the same prior to this Act and by this Act may be cited as the Road Districts Act, 1919-1941.