

WATER BOARDS.

16° GEO. V., No. XVI.

No. 16 of 1925.

AN ACT to amend the Water Boards Act, 1904.

[Assented to 4th November, 1925.]

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 *Water Boards Act Amendment Act, 1925*.

Amendment of sec;
3.

2. Section three of the Water Boards Act, 1904 (hereinafter called "the principal Act"), is hereby amended by the insertion, in their appropriate places, of definitions as follows :—

"Country land" means any holdings within the boundaries of a Water Area, but not within a municipal district, townsite, or suburban area ;

"Holding" means any piece or parcel of land held in fee simple or on conditional purchase lease, pastoral lease, or otherwise, under the Land Act, 1898, or any regulation thereunder or thereby repealed, constituting, owned, or occupied as one property.

3. There is hereby inserted, after section sixty-one of the principal Act, a section as follows:—

Insertion of new section after s. 61.

61A. (1.) The Board may by notice in writing require the owner or occupier of any rateable country land to provide, at his own cost and to the satisfaction of the Board, such tanks for or in connection with the storage of water for his own use, as may, in the opinion of the Board, be necessary to facilitate the equitable distribution of the water available from the main between all consumers having the right to be served thereby.

Owners and occupiers to provide tanks and appliances.

(2.) If at the expiration of three months from the service of such notice any owner or occupier shall have failed to make such provision as aforesaid, the Board may by its servants or workmen make such provision and charge the owner or occupier with the cost thereof, and such cost may be recovered from the owner or occupier in the same manner as water rates are recoverable.

(3.) In the event of the owner and occupier of land failing to agree between themselves in regard to such provision for the storage of water, or the payment of the cost thereof, such occupier may, if holding a tenancy extending for more than one year from the date of such notice, construct such tanks and other appliances as aforesaid, and may deduct the cost thereof from any rent due or to become due under such tenancy: Provided that such cost so deducted shall not in any case exceed one year's net rent in respect of the land the subject of the tenancy.

4. Section seventy-seven of the principal Act is hereby amended, by the addition of provisos as follows:—

Amendment of sec. 77.

“Provided that the Board may decide that any piece or parcel of land—

(a) separately owned or occupied, or

(b) used for the purposes of a separate farm, business, trade, or residence,

shall be rated separately from any other land of the same ratepayer, and the same shall be so rated accordingly, and a separate and distinct entry thereof shall be made in the rate book: And provided further, that in respect of holdings to which the Board decides

to apply the system of rating on the area, the rate-book shall be kept in the form following, that is to say—

Asst. No.	Name of Person Rated	Name of Owner.	Description and Situation of Land.	Acreage.	Rate per Acre.	Total Rate exclusive of Fixed Rate.	Fixed Annual Rate.	Total Amount of Rate Payable.

Amendment of sec. 87.

5. Section eighty-seven of the principal Act is hereby amended by the addition of the following words, that is to say:—

“ In the case of an appeal concerning any holding to which it is intended to apply the system of rating on the area, the grounds of appeal may include an objection that the area set out in the rate book is in excess of the actual area of the holding.”

Insertion of new section after sec. 92.

6. There is hereby inserted, between sections ninety-two and ninety-three of the principal Act, a new section as follows:—

Power to rate country land on the area.

92A. (1.) Notwithstanding anything contained in the last preceding section, the Board may make and levy, in respect of any holding of country land situated wholly or partly within ten chains of any pipe laid down by the Board from which the Board is prepared to supply water, an annual rate not exceeding one shilling for every acre of the holding plus such fixed sum not exceeding five pounds as the Board may determine ; but no such holding shall be rateable so far as regards that part of it which is more than one mile and a-half from the pipe: Provided that if pursuant to an application to the Board in writing, signed by two-thirds of the owners and occupiers of holdings in an area defined in the application, the applicants being owners or occupiers or partly owners and partly occupiers of not less than one-half of the

total acreage comprised in such area, a pipe is laid down by the Board, the annual rate within such area may exceed the scale prescribed in this section but shall not exceed the limits of a higher scale to be specified in the application.

(2). If a rate of two shillings in the pound on the unimproved capital value of any holding, as ascertained by the current valuation of the local authority of the district in which the holding is situated, would yield less than one shilling per acre, the Board may, in its discretion, in respect of such holding substitute and levy an annual rate (plus such fixed sum as aforesaid) not exceeding two shilling in the pound of such unimproved capital value, in lieu of the rate not exceeding one shilling per acre.

(3.) No land rated in any year under this section shall, in the same year, be rateable on the annual value thereof.

7. Section fifty-six of the principal Act is hereby amended, by the addition of a proviso as follows :— Amendment of sec. 56.

“ Provided that no owner or occupier of rateable country land shall be entitled to be supplied with water or to have a communication pipe laid from the main to the boundary of his land until an agreement has been entered into by him with the Board to pay the cost of such pipe in advance, nor unless all rates due in respect of the land have been paid.”

8. Section one hundred and seven of the principal Act is hereby amended, by the addition of a paragraph as follows :— Amendment of sec. 107.

“ In case any holding or any land rated as one property has been divided between two or more owners or occupiers, any rates imposed in respect of the period current when the division took place shall, for the purposes of this section, be deemed to be apportionable between the different portions of the holding or land on the basis of the respective values or areas (according to the method of assessment adopted) of such portions.”

9. The principal Act and the amendments thereof, including this Act, may be cited together as the *Water Boards Act, 1904-1925.* Citation of principal Act and amendments.