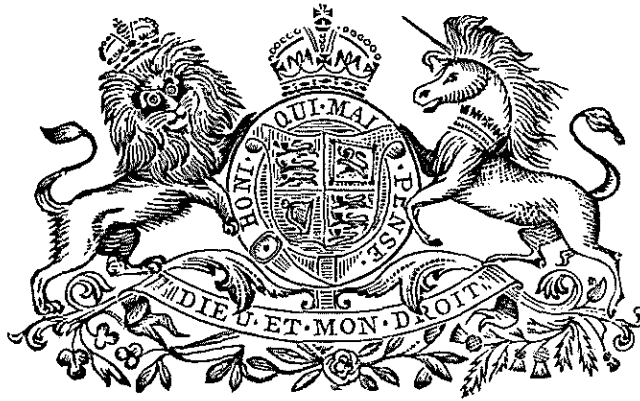


WESTERN AUSTRALIA.



ANNO SEXTO

GEORGII QUINTI REGIS,

XII.

No. 45 of 1915.

AN ACT to amend and continue the operation of the Roads Act, 1911.

[Assented to, 19th October, 1915.]

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 *Roads Act Amendment and Continuation Act, 1915.* Short title.

2. On the exercise of any of the powers conferred by section eight of the Roads Act, 1911 (hereinafter referred to as the principal Act), the following provisions shall, according to the nature of the case, apply, in lieu of the provisions of section nine of the principal Act— Effect of transfer, division, severance, etc., of districts.

- (1.) (a.) All property, whether real or personal, vested or contingent (including all rights and choses in action, and causes of action whether by law assignable or otherwise), and all powers, functions, and jurisdiction which immediately before the union belonged to or were vested in or which but for the exercise of the power would have become vested in or capable of acquisition by the local authority of any district

district affected shall, in the case of a union of districts, vest in or become transferred to the local authority of the united district subject to any debt, liability, or obligation specially charged on or affecting or attached to the same, and in other cases may be apportioned and allocated by the Governor in such manner as he shall deem best.

- (b.) All debts and liabilities of any local authority affected of whatsoever description, whether certain or contingent, and whether then existing or capable of arising at some future time shall, in the case of a union of districts, be and become debts and liabilities of the local authority of the united district, and shall be recoverable and enforceable accordingly, and in other cases may be apportioned by the Governor in such manner as he shall deem best.
- (c) All actions and other proceedings pending between a local authority of any district affected and any person shall, and may, in the case of a union of districts, be carried on by or against the local authority of the united district, and all necessary amendments shall be made in any such proceedings accordingly, and in other cases the Governor may provide for the continuation of any such action or proceeding by or against a local authority in such manner as he shall think fit.
- (d.) If any of the local authorities affected is indebted by way of moneys advanced to it by way of loan, the Governor may declare that all or any loan rates applicable to such loan or any part thereof shall be levied only on such portion of any district as the Governor shall determine to have been specially benefited by such loan or such portion thereof.
- (e.) The Governor may adjust and finally determine all questions relating to any of the matters aforesaid, and make any necessary vesting orders.

(2.) If in any case in which an order has been made before the commencement of this Act under section eight of the principal Act, any such matters as are dealt with in this section remain unadjusted or unsettled, the Minister may, by notice in the *Gazette*, declare that this section shall apply in such case in so far as any such matters remain so unadjusted or unsettled, and this section shall thereupon apply accordingly.

(3.) Whenever any district is abolished the Minister may, after such abolition and until the inclusion of such district in another district, in his name or style of office collect, get in, sue for and recover and sell, convey, transfer, and assign the assets of the abolished district, and apply the moneys realised by such collection, getting in, and sale (after payment thereof of expenses) in or towards the discharge of the liabilities of the abolished district.

Effect of abolition
of district.

Subject as aforesaid, the provisions of Part II. of the principal Act as amended by this Act shall apply in the case of a district abolished and subsequently dealt with under such Part as if there had been no separate order of abolition.

(4.) All by-laws in force in any district or any affected portion thereof at the date of the exercise of the power shall remain in force within the area in which they were so in force until they are lawfully repealed; and the valuation (if any) last in force of the rateable land in the portion so affected shall continue to be in force until a fresh valuation thereof has been made by the local authority of the new district or the district in which such portion is included.

Effect as to by-
laws and valuation.

3. (1.) The principal Act is further amended by adding a subsection to section two hundred and nine, as follows:—

Amendment of
Section 209.

(6.) The duty of the Chairman to sign or initial each page of the rate-book shall be deemed to have been performed if each folio thereof is signed or initialled by him, and notwithstanding that the signature or initials may be set at the foot of the columns which are deemed not to be part of the rate-book.

(2.) The amendment made by this section shall have effect as from the commencement of the principal Act.

4. The principal Act, as amended by the Roads Act Amendment Act, 1912, and this Act, shall continue in operation until the thirty-first day of December, one thousand nine hundred and sixteen, but no longer.

Continuance of
principal Act.