



Western Australia.

ANNO PRIMO ET SECUNDO

EDWARDI VII. REGIS.

No. VIII.

AN ACT to amend the Land Drainage Act, 1900.

[Assented to, 19th February, 1902.]

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 Land Drainage Amendment Act, 1902, and shall be incorporated with the Land Drainage Act, 1900 (hereinafter called the principal Act).

Short title.

2. THE principal Act is amended as follows:—

Amendment of principal Act.

(a.) In section two the definition of "Roads Acts," "ratable property," and "ratable value," are repealed, and the following substituted therefor:

Section 2.

"Roads Acts" means the Roads Act, 1888, and all amendments thereof.

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“Ratable property” means all property within a drainage district which would be ratable if situated within a road district.

“Ratable value” means ratable value of all ratable property, ascertained in the same manner as if the property were within a road district.

- Section 4. (b.) In section four the words “in any part of the Colony declare any lands” are repealed, and the following words substituted therefor: “within any area proposed to be formed into a drainage district declare any lands within such area and not forming part of a Municipality.”
- Section 4. (c.) In section four the words “any such district may comprise any entire road district or part of a road district only or any road district, with a part or parts of another or others” are repealed.
- Section 16. (d.) In section sixteen the words “main drains within,” in line three, are struck out, and the following words substituted therefor: “drains within or without.”
- Section 16. (e.) In section sixteen, between the words “recommendation of” and the words “a Board,” in the fifth line, insert the words “the Minister or.”
- Section 18. (f.) In section eighteen, strike out the words “The Director of Public Works at the request of the Minister shall,” and substitute therefor the words “The Minister may.”
- Section 18. (g.) Strike out subsection two of section eighteen, and substitute the following therefor:—
(2.) May, without compensation, resume any land which has been granted or demised by the Crown, so that the area resumed without compensation be not in excess of the quantity allowed by the provisions contained in the grant, lease, or other instrument, and reserving to the Crown any right to resume for a public purpose.
- Section 18. (h.) In section eighteen, subsection five, strike out the words “within the district,” in line two, and also substitute the word “Minister” for the words “Director of Public Works,” in the second paragraph.
- Section 18. (i.) In section eighteen, subsection six, after the word “ditch,” in the second line, insert the words “or other drainage works.”
- Sections 20 and 34. (j.) In sections twenty and thirty-four substitute the word “Minister” for the words “Director of Public Works.”

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- (k.) In section thirty substitute the word "Board" for the word "district," in the first line of the last paragraph. Section 30.
- (l.) In section thirty-nine, after the words "every Board may," insert the words "with the approval of the Governor." Section 39.
- (m.) In section three, after the word "Railways," in the third line, add the words "or the Minister."

3. THE Colonial Treasurer may, with the approval of the Governor, from time to time, at the request of the Minister, expend for the purposes of the principal Act, in the construction of drains or other drainage works outside the limits of a drainage district, any sum or sums within the limits mentioned in section sixteen of the principal Act. Treasury may advance moneys for works outside a district.

4. (1.) ALL such drains or other drainage works shall be constructed by and vest in the Minister, and until included within the limits of a drainage district shall be maintained and repaired by him. Minister shall construct and repair such works.

(2.) In connection with such drains or drainage work the Minister may exercise all the powers and authorities which, by the principal Act, are conferred upon a Board in connection with any drain or drainage work within its district.

5. (1.) WHEN the boundaries of a drainage district are defined so as to include any such drain or other drainage work, the Minister may direct that such drain or work shall vest in the Board of such district. Works so constructed not to vest in Board, unless with Minister's consent.

(2.) The Minister may require from, and the Board is authorised to give, an instrument creating a sole charge, as mentioned in section seventeen of the principal Act, for the whole or any part of the cost of constructing such drain or work.

6. BY-LAWS made by a Board shall first be submitted to the Minister for the approval of the Governor, and, when approved, shall be gazetted and come into force. By-laws to be approved and gazetted.

In the name and on behalf of the King I hereby assent to this Act.

ARTHUR LAWLEY, Governor.