

COUNTRY TOWNS SEWERAGE.

13° Elizabeth II., No. LII.

No. 52 of 1964.

AN ACT to amend the Country Towns Sewerage Act, 1948-1954.

[Assented to 30th November, 1964.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the *Country Towns Sewerage Act Amendment Act, 1964.* Short title and citation.

(2) In this Act the Country Towns Sewerage Act, 1948-1954, is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Country Towns Sewerage Act, 1948-1964.

S. 2
amended.

2. Section two of the principal Act is amended by deleting the words, "AND DISTRICTS", in line three.

S. 3
amended.

3. Section three of the principal Act is amended—

(a) by deleting the passage commencing with the word, "or", in line two of the interpretation, "district", and ending with the word, "Act", being the last word of the interpretation;

(b) by deleting the passage, " , the board of a road district," , in line two of the interpretation "local authority";

(c) by adding, immediately after the interpretation, "pipe", the following interpretation—

"rateable land" means all land that is rateable under the provisions of section forty-seven of this Act; ;

and

(d) by adding, immediately after the interpretation, "street", the following interpretations—

"unimproved capital value", in relation to land, means the price at which the land, in fee simple, unencumbered by any mortgage or charge, might be expected to be sold, if no improvements existed thereon, at the time of valuation;

"valuation", in relation to rateable land, includes the estimated net annual value, and the unimproved capital value, of the land; .

Heading to
Part II
amended.

4. The heading to Part II of the principal Act is amended by deleting the words, "AND DISTRICTS".

5. Section four of the principal Act is repealed and re-enacted with amendments, as follows—

S. 4
re-enacted.

4. The Governor may, by Order in Council,—
- (a) constitute any part or parts of the State outside the boundaries of the Metropolitan Water, Sewerage and Drainage Area, as constituted and defined by Act No. 43 of 1909 (as amended, from time to time), as a sewerage area or sewerage areas, under such name or names as may be directed by the Order in Council;
- (b) alter or extend the boundaries of a sewerage area;
- (c) unite two or more sewerage areas;
- (d) divide a sewerage area and reconstitute the several parts thereof as new sewerage areas, with or without the inclusion of part or parts of another such area or other areas, or any adjacent land;
- (e) include within a sewerage area any adjacent land;
- (f) alter the name of any sewerage area;
- or
- (g) abolish a sewerage area.

Constitution
of sewerage
areas.

6. The principal Act is amended by adding, immediately after section four, the following section—

S. 4A
added.

4A. The Governor may, by Order in Council, declare any land in a sewerage area to be exempt from rates under this Act, and may, in like manner, declare any land that is exempt from rates to be rateable land, for the purposes of this Act.

Exemption
and inclusion
of land
for rating
purposes.

7. Section twelve of the principal Act is amended by substituting for the words, “value of the rateable”, in line six of paragraph (a), the words, “estimated rateable value of the”.

S. 12
amended.

S. 16
amended.

8. Section sixteen of the principal Act is amended by deleting the words, "or district", being the concluding words of paragraph (g).

S. 23
amended.

9. Section twenty-three of the principal Act is amended by substituting for the words, "the district", in lines three and four, the words, "a sewerage area".

S. 25
amended.

10. Section twenty-five of the principal Act is amended by substituting for the word, "district", in line three, the word, "area".

S. 26
amended.

11. Section twenty-six of the principal Act is amended—

(a) by deleting the words, "and district" in line two; and

(b) by deleting the words, "or district" in the ultimate line.

S. 35
amended.

12. Section thirty-five of the principal Act is amended by substituting for the word, "district", in line four of subsection (1), the word, "area".

S. 47
amended.

13. Section forty-seven of the principal Act is amended—

(a) by substituting for paragraph (h) the following paragraph—

(h) land declared by the Governor, under section four A of this Act, or by any Act declared, to be exempt from rates under this Act: ;

and

(b) by deleting the second proviso.

S. 48
amended.

14. Section forty-eight of the principal Act is amended by substituting for the word, "district", in line two and, again, in line four, the word, "area", in each case.

15. Section forty-nine of the principal Act is repealed and re-enacted with amendments, as follows—

S. 49
repealed and
re-enacted.

49. The estimated net annual value referred to in section forty-eight of this Act may, at the option of the Minister, be—

Estimated
net annual
value.

- (a) the current net annual value adopted by the local authority in the district of which the land is situated; or
- (b) a sum equal to the estimated full, fair, average amount of rent at which the land may reasonably be expected to let from year to year, on the assumption (if necessary to be made) that the letting is allowed by law, less a deduction of forty pounds per centum for all outgoings; or
- (c) an amount not exceeding six pounds per centum of the capital value of the land;

but, in estimating the net annual, or the unimproved capital, value of mines, no regard shall be had to the minerals therein or the mining machinery, whether fixed to the soil or not, or to buildings used exclusively for the housing of machinery.

16. Section fifty of the principal Act is repealed and re-enacted with amendments, as follows—

S. 50
repealed and
re-enacted.

50. The Minister may, in any area, adopt a general system of valuation on the basis of the unimproved capital value of land, except in the district of any local authority that is then levying rates on the net annual value of land in which case the estimated net annual value shall be used instead of the unimproved capital value.

Assessment
on
unimproved
capital
values.

17. Section fifty-one of the principal Act is amended by substituting for the word, "district", in line five, the word, "area".

S. 51
amended.

S. 52
amended.

18. Section fifty-two of the principal Act is amended—

- (a) by substituting for the word, “district”, in line four of subsection (1), the word, “area”; and
- (b) by substituting for the words, “a district”, in line four of subsection (2), the words, “an area”;
- (c) by substituting for the passage commencing with the word, “Where”, being the first word in subsection (3), down to and including the word, “necessary” in line four of that subsection, the words, “Where in respect of any area the Minister is of opinion at any time that the making and levying of a sewerage rate for a part of the year only is expedient”.

S. 56
amended.

19. Section fifty-six of the principal Act is amended—

- (a) by substituting for subsection (1) the following subsection—
 - (1) The town clerk or, as the case may be, the shire clerk of any municipality in which any sewer or drain is laid down shall, within one month after being so required, furnish the Minister with a copy of the rate book of the municipality, verified as a true copy by a statutory declaration made by the clerk. ;
- and
- (b) by substituting for the word, “secretary”, in line three of subsection (3), the words, “shire clerk”.

S. 57
amended.

20. Section fifty-seven of the principal Act is amended—

- (a) by inserting immediately after the word, “The”, in line one, the word, “estimated”; and
- (b) by substituting for the words, “capital unimproved”, in line one, the words, “unimproved capital”.

21. Section sixty-one of the principal Act is repealed and the following section substituted—

S. 61
repealed and
section
substituted.
Grounds
of appeal
against
assessment.

61. Any ratepayer may appeal against the estimated net annual value or, as the case may be, unimproved capital value of any land of which he is the owner or occupier included in a rate book, or any amendment thereof.

22. Section sixty-two of the principal Act is amended—

S. 62
amended.

(a) by substituting for the word, “the”, where first appearing in line three, the word, “any”; and

(b) by substituting for the word, “district”, in line four, the word, “area”.

23. Section sixty-six of the principal Act is amended by substituting for the word, “district”, in line three and, again, in line seven the word, “area”, in each case.

S. 66
amended.

24. Section sixty-seven of the principal Act is amended—

S. 67
amended.

(a) by substituting for the word, “district”, in line two, the passage, “area, or for different parts of an area,”; and

(b) by substituting for the word, “district”, in lines six, eight, ten, thirteen and sixteen, the word, “area”, in each case.

25. Section sixty-eight of the principal Act is amended—

S. 68
amended.

(a) by substituting for the words, “annual rateable”, in lines three and four of subsection (1), the words, “estimated net annual”; and

(b) by substituting for the words, “capital unimproved”, in line five and, again, in line seven, of subsection (1), the words, “unimproved capital”, in each case.

S. 69
amended.

26. Section sixty-nine of the principal Act is amended by substituting for the word, "district", in line six of subsection (1), the word, "area".

S. 72
repealed and
re-enacted.

27. Section seventy-two of the principal Act is repealed and re-enacted with amendments, as follows—

Estimated
net annual
values may
be restated
during
year.

72. (1) Where it appears to the Minister during the currency of any year, that, by reason of improvements made to, or erected upon, rateable land, the net annual value has become greater, or that, by reason of the destruction, damage or demolition of improvements made and standing upon rateable land, the net annual value of the land has become less, than the estimated net annual value of that land stated in the rate book for that year, he may cause the estimated net annual value to be restated for, and in respect of, the then unexpired portion of the year and may, to the extent that the restatement justifies the making of an amendment and adjustment, amend and adjust, either by increase or reduction, as the case may require, the amount of the water rates payable on the land.

(2) For the purposes of section sixty-one of this Act (relating to appeals), the restatement of the estimated net annual value of rateable land under this section is an amendment of the estimated net annual value.

S. 82
amended.

28. Section eighty-two of the principal Act is amended—

- (a) by substituting for the words, "a district", in line one, the words, "an area"; and
- (b) by inserting, immediately after the word, "be", in line six, the words, "estimated or".

S. 93
amended.

29. Section ninety-three of the principal Act is amended—

- (a) by substituting for the words, "Municipal Council or Road Board", in lines twenty and twenty-one and, again, in lines thirty-one and thirty-two, the words, "Council of the Municipality", in each case; and
- (b) by substituting for the passage, "forty-six of the Trustees Act, 1900", in lines four and five of the final proviso, the passage, "ninety-nine of the Trustees Act, 1962".

30. Section one hundred and two of the principal Act is amended by substituting for the word, "district", in line two of paragraph (21), the word, "area".

S. 102
amended.

31. Section one hundred and two A of the principal Act is amended by deleting the words, "or districts", in line four and, again, in line five.

S. 102A
amended.

32. Section one hundred and five of the principal Act is amended by substituting for the word, "district", being the last word in the section, the word, "area".

S. 105
amended.

33. Section one hundred and twenty of the principal Act is amended by deleting the passage, "or any district," in lines two and three.

S. 120
amended.

34. The First Schedule to the principal Act is amended—

First
Schedule
amended.

- (a) by deleting the word, "District", in line three; and
- (b) by inserting, before the word, "Net", in column seven, the word, "Estimated".

35. The Second, Third and Fourth Schedules to the principal Act are amended by deleting the word, "District", in each case, where appearing in line three of those Schedules.

Second,
Third and
Fourth
Schedules
amended.