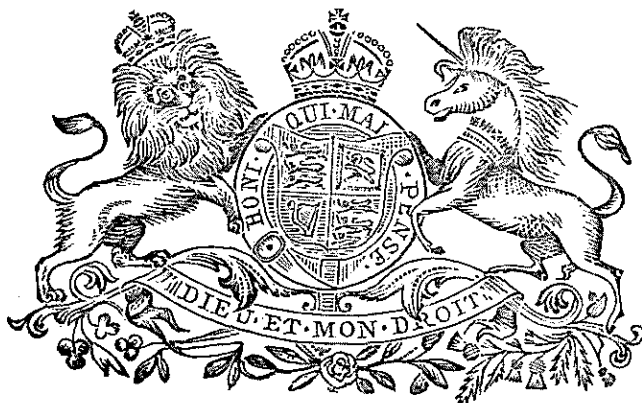


WESTERN AUSTRALIA.



ANNO TERTIO

GEORGII QUINTI REGIS,

XLVII.

No. 66 of 1912.

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

[Assented to 30th December, 1912.]

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 Act*, Short title. 1912.

2. Section nine of the Roads Act, 1911 (hereinafter called the principal Act) is hereby amended by the deletion of paragraph (b) of subsection four, and the substitution of the following paragraph:—

Amendment of
section 9.

(b.) All rates (including any interest thereon) which have been made or levied in respect of land situated within the portion so affected for the then current financial year shall be apportioned between the district by which such rates were made or levied (hereinafter called the "old district") and the district constituted of such portion or to which such portion has become transferred (hereinafter called the "new district"). The apportionment shall be made in such manner as the Minister

directs, but so that the part taken by the old district shall (as nearly as may be) bear the same ratio to the part taken by the new as the part of the financial year expired at the date of the separation from the old district of the said portion thereof bears to the part of such year then unexpired: Provided that if the new district decides to avail itself of the provisions of section two hundred and twenty-two or two hundred and forty-one, in respect of the land aforesaid, then it shall lose all right to its part of the aforesaid rates, and such part of the said rates shall be repaid or remitted to or in favour of the several ratepayers by or from whom the same were respectively paid or to be received.

Insertion of new
section 12a.

3. The principal Act is hereby amended, as from the commencement thereof, by the insertion at the end of Part II. of a new section, as follows:—

12a. No order purporting or appearing to be made under or in reliance on this part of this Act and within the powers conferred on the Governor by this Act, shall be deemed invalid on account of any non-compliance with any rule hereinbefore contained.

Amendment of
section 22.

4. Section twenty-two of the principal Act is hereby amended, as from the commencement thereof, by the deletion of the word “member” in the second line of paragraph (b), and the substitution of the word “number” therefor.

Amendment of
section 23.

5. Section twenty-three of the principal Act is hereby amended by the deletion of the words “thirtieth day of September,” and the substitution of the words “thirty-first day of October.”

Amendment of
section 29.

6. Section twenty-nine of the principal Act is hereby amended by the deletion of the words “on demand by any person interested” in subsection four.

Amendment of
section 30.

7. Section thirty of the principal Act is hereby amended by the substitution of the word “thirteenth” for the word “thirty-first” in subsection two.

Amendment of
section 63.

8. Section sixty-three of the principal Act is hereby amended by the addition to subsection two of the words following:—

Provided that any such agent shall cause to be delivered to the returning officer or secretary, together with the nomination paper, the written authority by virtue of which he has signed the nomination paper for the candidate.

9. Section seventy-nine of the principal Act is hereby amended by the substitution for subsection five of the subsection following, that is to say:—

Amendment of
section 79.

(5.) The returning officer on receipt of any such envelopes shall, without opening them, retain them in his possession until the commencement of the poll, and shall, at any convenient time or times, during or immediately after the taking of the poll, in the presence of the scrutineers (if any) proceed to open the same, and shall in each case proceed as follows:—

(a.) He shall compare the counterfoil with the electoral roll or a copy thereof.

(b.) If satisfied from an inspection of the electoral roll or a copy thereof that the person named in the counterfoil is entitled to vote he shall make a mark against the name of such person on the electoral roll or copy thereof, and shall then take the ballot paper from its envelope and, without unfolding the ballot paper, indorse upon it the number of votes to which the voter is entitled and deposit it in the ballot box.

(c.) He shall keep the counterfoil in the same manner as counterfoils of ballot papers are kept.

The indorsement of the returning officer of the number of votes to which the absent voter is entitled shall be conclusive.

10. Section one hundred of the principal Act is hereby amended by the substitution of “this” for “the” immediately before the word “Act” in paragraph (a).

Amendment of
section 100.

11. Section one hundred and twenty-one is hereby amended by the insertion, after the word “security” in the second line of subsection two, of the words “to the satisfaction of the Minister.”

Amendment of
section 121.

12. The following new section is hereby inserted in the principal Act after section one hundred and forty, that is to say:—

Insertion of new
section 140a.

140a. A board may from time to time appropriate out of its ordinary revenue such sums as it may think proper for maintaining or improving agricultural halls, libraries, or reading rooms, vested in or under the control of such board.

13. Section one hundred and forty-four of the principal Act is hereby amended by the deletion of the words “along any line of road” in paragraph four.

Amendment of
section 144.

Amendment of
section 145.

14. Section one hundred and forty-five of the principal Act is hereby amended by the addition to paragraph (c) of the words "upon any road within the district."

Amendment of
section 150.

15. Section one hundred and fifty of the principal Act is hereby amended by the substitution of the words "two months" for the words "one month."

Amendment of
section 167.

16. Section one hundred and sixty-seven of the principal Act is hereby amended as follows:—

(i.) In paragraph (a) by the insertion before "timber" of the words "native growing or fallen," by inserting "or" before "gravel," and by deleting "or other material";

(ii.) In subsection two by inserting the word "building" before, and the words "or other structure" after, the word "fence" in line two.

Amendment of
section 168.

17. (1.) Subsection three of section one hundred and sixty-eight of the principal Act is hereby repealed, and the following subsection is inserted in lieu thereof, that is to say:—

(3.) On the confirmation by the Governor of such assent, the land on which such road existed (hereinafter called the closed road) shall again form part of the location or other holding from which it was originally taken, and every part of the closed road shall vest in the owner for the time being of the land fronting such part, and if the lands on opposite sides of any such part of the closed road are owned by different owners, the contiguous half of such part to the middle thereof shall vest in each owner, and for the purposes of this subsection the term "owner" shall include the Crown.

(2.) The following subsection is hereby added to section one hundred and sixty-eight, that is to say:—

(7.) If a board refuses to assent to any such resolution or application as aforesaid, the Minister may assent thereto in lieu of the board, and the same consequences shall ensue as if the board had assented.

Amendment of
section 170.

18. Section one hundred and seventy of the principal Act is hereby amended as follows:—

(i.) In subsection three the words "provide for the annual registration of such gates and" are inserted after "may" in the second line, and the words "or maintain" are inserted after the word "erect."

(ii.) The following subsections are added, that is to say:—

(8.) Any gate erected across a road shall be constructed and equipped as prescribed, and shall be of such size and

may be provided with wing fences, and the erection or maintenance thereof may be made subject to such conditions as the board may from time to time direct.

- (9.) No person shall erect or maintain a gate across a road unless such gate shall have the words "Public Road" conspicuously and legibly painted and displayed thereon in black letters on a white ground, such letters being not less than four inches in length.

19. Section one hundred and seventy-nine of the principal Act is hereby amended as follows:— Amendment of section 179.

(i.) In paragraph twenty-eight the words "and maintained" are inserted after "erected";

(ii.) In paragraph thirty the words "the regulation and control" are struck out, and the words "regulating the erection and maintenance" are substituted;

(iii.) In paragraph thirty-seven the words "the regulation" are struck out, and the words "regulating the erection and maintenance" are substituted.

20. Section one hundred and eighty-one of the principal Act is hereby amended by the addition to subsection one of the following paragraph:— Amendment of section 181.

- (d.) Prescribe the conditions on which any license shall be granted, and provide that on the breach of any such condition the license may be cancelled by the board.

21. Section one hundred and ninety-four of the principal Act is hereby amended as follows:— Amendment of section 194.

The word "section" in the first line following paragraph (b) of the proviso is struck out, and the word "proviso" is substituted, as from the commencement of the principal Act.

22. Section one hundred and ninety-five of the principal Act is hereby amended as follows:— Amendment of section 195.

- (i.) The second proviso is struck out, and the following proviso substituted, that is to say:—

Provided that any board may adopt in any townsite or in any area defined for that purpose by proclamation the system of valuation on the annual value.

- (ii.) The following proviso is added to the section, as from the commencement of the principal Act, that is to say:—

Provided, further, that any board may adopt in respect of all or any land in the district held under mining lease from the Crown the system of valuation on the annual value.

Amendment of
section 196.

23. Section one hundred and ninety-six of the principal Act is hereby amended by the deletion of paragraph (d).

Amendment of
section 199.

24. Section one hundred and ninety-nine of the principal Act is hereby amended by the deletion of all words after the words "equal to," and the substitution of the words "five shillings for every acre of such land."

Amendment of
section 203.

25. Section two hundred and three, subsection four, of the principal Act is amended by inserting after the word "be" in line fourteen the words "not more than."

Amendment of
section 216.

26. Section two hundred and sixteen of the principal Act is hereby amended by the insertion of the words "by proclamation" after the word "purpose" in subsection three.

Amendment of
section 248.

27. Section two hundred and forty-eight of the principal Act is hereby amended by the substitution of "five" for "eight" in subsection one.

Amendment of
section 299.

28. In section two hundred and ninety-nine of the principal Act the word "twelve" is substituted for the word "thirteen," as from the commencement of the principal Act.

Amendment of
section 301.

29. Section three hundred and one of the principal Act is hereby amended by the insertion in subsection three of the words "may be" before the words "also published."

Repeal of section
328 and substitu-
tion of new section.

30. Section three hundred and twenty-eight of the principal Act is hereby repealed, and the following section substituted:—

Notice of subdivi-
sion to be given.
See No. 32 of 1907,
s. 497.

(1.) Whenever a person, who is the owner of rateable land in a district, subdivides the same for sale, he shall forthwith give notice in writing, accompanied with a plan of subdivision, to the road board.

(2.) Every allotment of such subdivision shall front on a road and shall also, if less than half an acre in area, and if so required by the road board, abut on a thoroughfare or way, which, unless set out before the twenty-seventh day of November, nineteen hundred and twelve, shall be of not less than ten feet in width.

(3.) Every person submitting any plan to a board for subdivision of land on which the area of any allotment is less than half an acre, shall deposit therewith such sum, not exceeding one pound per chain, as the board may demand for every new road shown on such plan or necessitated by such subdivision, and the money so deposited shall be applied by the board towards the clearing and construction of the roads so

shown or necessitated: Provided that where a plan of subdivision embraces allotments both over and under half an acre in area the deposit payable under this subsection shall apply only to such portions of the said roads as abut on allotments of less than half an acre in area.

(4.) Except as hereinafter provided, no plan of any such subdivision shall be received, registered, or deposited in the Office of Titles or Registry of Deeds, or any other public office for the registration and depositing of such plans, whether constituted under the Transfer of Land Act, 1893, or otherwise, unless such plan shall have been first approved of by the board, and such board may affix such conditions to the granting of such approval as it shall think fit, and the approval of the board shall be testified by the signature upon such plan of the secretary, or such officer as may, for the time being, be thereunto authorised by the board; and when approved by the board the soil of any road shown in such plan shall become and is hereby declared to be dedicated as a road, and shall be under the control of the Board:

Provided that any person may appeal to the Minister from the refusal of the board to approve any such plan, or from the conditions affixed to the granting of such approval, and if the appeal is allowed, the plan shall be received, registered, or deposited as the Minister may direct.

The appellant shall deposit with the Minister the sum of five pounds, to be forfeited to the Government if the appeal is dismissed, or returned to the appellant if the appeal is allowed.

(5.) No person shall sell or dispose of or offer for sale land set out in any district after the commencement of this Act in a subdivisional plan which has not been submitted to and approved by the board of the district or received, registered, or deposited pursuant to the direction of the Minister on appeal from the board as aforesaid.

(6.) If any person contravenes, by act or omission, any provisions of this section he shall be guilty of an offence against this Act, and liable to a penalty not exceeding fifty pounds.

31. The following section is hereby inserted in the principal Act after section three hundred and twenty-eight, that is to say:—

Insertion of new
section 328a.

328a. Whenever any person sells any rateable land he shall forthwith give to the board notice thereof in writing, with a plan or description of the land and the name and address of the purchaser.

Any person who fails to comply with this section shall continue to be liable for such sums accruing by way of rates upon such land in the same manner as if he were still the owner thereof, and shall also be guilty of an offence against this Act and liable to a penalty not exceeding five pounds.

Amendment of
Second Schedule.

32. The Second Schedule of the principal Act is hereby amended by the addition to regulation two of the words “and that the area of such building and open space will together be not less than the area for the time being fixed by proclamation as the proper area to be allotted to each such building.”

Appeal.

33. Where any rateable property is occupied by or leased to any person who has contracted to pay the rates thereon, the occupier or lessee may appeal against any entry in the rate book in the same manner as if he were the owner of the said property and as if his name had been inserted in the rate book as such owner.

Method of show-
ing amendments.

34. All copies of the principal Act hereafter printed by the Government Printer shall be printed as amended by this Act, under the supervision of the Clerk of Parliaments, and all necessary references to this Act made in the margin.

Continuation of
the principal Act.

35. Notwithstanding anything in section three hundred and thirty-seven of the principal Act, that Act, as amended by this Act, shall continue in operation till the thirtieth day of June, nineteen hundred and fourteen, and no longer.