

WESTERN AUSTRALIA.



ANNO TERTIO

EDWARDI SEPTIMI REGIS,

XXXIX.

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No. 24 of 1904.

AN ACT to amend the Roads Act, 1902.

[Assented to 16th January, 1904.]

BE it enacted by the King'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. THIS Act may be cited as the *Roads Act Amendment Act*, 1904, and shall be read as one with the Roads Act, 1902, hereinafter referred to as the principal Act. Short title.

2. SECTION four of the principal Act is amended by striking out the definition of "occupier," and inserting in place thereof the following: "'Occupier' means the person by whom or on whose behalf any ratable land is actually occupied, and if there is no occupier the person entitled to possession, and includes any person who, under a license or concession relating to any specific land belonging to the Crown, has the right of taking any profit of the land." Amendment of  
2 Edw. VII.,  
No. 48, Sec. 4.

Amendment of  
Sec. 24.

3. SECTION twenty-four of the principal Act is repealed and a section inserted in place thereof, as follows:—

Governor may  
supersede a Board.

24. WHENEVER a Board shall not observe the provisions of this Act, or in any other case when the Governor shall think fit, the Governor may supersede the Board, either wholly or partially, or remove the members of the Board from office, and authorise the Minister to exercise all or any of the functions of the Board for such time as he shall think fit, or until the election of a new Board. Notice of such supersession or removal shall be published in the *Government Gazette*.

Amendment of  
Sec. 25.

4. SECTION twenty-five of the principal Act is amended by striking out subsections three and four, and inserting in place thereof the following:—

(3.) Every person entitled to vote shall at every election have a number of votes proportionate to the annual ratable value or the unimproved capital value (according to the system of rating adopted by the Board) of the land owned or occupied by such person within the district or ward, according to the following scale:—

ANNUAL VALUE.	NUMBER OF VOTES
Not exceeding ten pounds ... ..	One
Exceeding ten pounds and not exceeding twenty-five pounds ... ..	Two
Exceeding twenty-five pounds and not ex- ceeding fifty pounds ... ..	Three
Exceeding fifty pounds ... ..	Four

UNIMPROVED CAPITAL VALUE.	NUMBER OF VOTES
Not exceeding two hundred pounds ...	One
Exceeding two hundred pounds and not exceeding five hundred pounds ...	Two
Exceeding five hundred pounds and not exceeding one thousand pounds ...	Three
Exceeding one thousand pounds ...	Four

(4.) No person shall be entitled to vote at any election unless all rates assessed upon the land in respect of which the qualification arises are paid; and no person shall be entitled to vote at any election held after the thirty-first day of December, one thousand nine hundred and four, unless such rates were paid on or before the thirtieth day of November preceding the election.

Amendment of  
Sec. 26.

5. SECTION twenty-six of the principal Act is amended by inserting in line four, after the words "annual value," the words "or unimproved capital value."

6. SECTION sixty-three of the principal Act is amended by inserting, in the last line of subsection five, after the word "same," the words "indorse upon it the number of votes to which the voter is entitled and," and by adding at the end of the subsection "The indorsement of the Returning Officer of the number of votes to which the absent voter is entitled shall be conclusive." .

Amendment of  
Sec. 63.

7. SECTION eighty-one of the principal Act is amended by adding to subsection one the following words:—"unless the district is situated Northward of the twenty-sixth parallel of South latitude, in which case the ordinary meetings of the Board may, with the approval of the Minister, be held once in every six months."

Amendment of  
Sec. 81.

8. SECTION one hundred and six of the principal Act is amended by inserting after the word "Board," in line one, "or any person authorised in writing under the seal of the Board," and by omitting the words "private land," in subsection three, and inserting in place thereof "any land granted in fee simple or held under lease from the Crown, except for pastoral or timber purposes," and by adding a subsection as follows:—

Amendment of  
Sec. 106.

(6.) The powers conferred by this section shall not be exercised upon any public reserve without the consent, in writing, of the Minister.

9. SECTION one hundred and seven of the principal Act is amended by inserting in subsection three, after the words "originally taken," the words "and shall vest in the owner for the time being of the land fronting upon the road, and if the lands on opposite sides of the road are owned by several owners, the contiguous half of the road to the middle thereof shall vest in each owner."

Amendment of  
Sec. 107.

10. SECTION one hundred and seventeen of the principal Act is amended by inserting after subsection sixteen the following:—

Amendment of  
Sec. 117.

(16a.) Providing for the issue by the Board on the registration of every camel of a registration disc inscribed with the name of the district and the registration number, and requiring every person in charge of the camel to keep the disc attached to the neck of the camel ;

And by inserting after subsection twenty-six the following:—

(26a.) Providing for the issue by the Board with every license for vehicles plying for hire, bicycles, tricycles, motor cycles, motor cars, and motor wagons, of a registration disc inscribed with the name of the district and the registration number, and requiring every person in charge of any such vehicle, bicycle, tricycle, motor cycle, motor car, or motor wagon to keep the registration disc on some conspicuous part thereof.

And by inserting after subsection thirty-one the following:—

(31a.) Regulating the use of sea or river jetties and bathing-houses under the control of the Board, and prescribing charges for admission to or for the use of the same.

Amendment of  
Sec. 123.

**11.** SUBSECTION six of section one hundred and twenty-three of the principal Act is repealed.

Amendment of  
Sec. 125.

**12.** SECTION one hundred and twenty-five of the principal Act is amended by inserting, in the proviso to subsection two, a paragraph, as follows:—

(c.) The net annual value of any land belonging to the Crown, in respect of which a license or concession is held with the right of taking any profit of the land, shall be such annual rent as might reasonably be expected to be paid for the exercise of such right.

Amendment of  
Sec. 126.

**13.** SECTION one hundred and twenty-six of the principal Act is amended by striking out the words “owner’s estate or interest in any land,” and inserting the words “the land in fee simple.”

Amendment of  
Sec. 141.

**14.** SECTION one hundred and forty-one of the principal Act is amended by striking out the last paragraph thereof.

Minimum rate.

**15.** [144.] A MINIMUM rate of two shillings and sixpence may be levied on any ratable land, or, if the Board thinks fit, on each of the several lots into which any ratable land may be subdivided for sale, leasing, or partition, the annual rates in respect of which on the annual ratable value or the unimproved capital value, as the case may be, would not amount to two shillings and sixpence.

Repeal of Sec. 157.

**16.** SECTION one hundred and fifty-seven of the principal Act is repealed, and a section is inserted in place thereof as follows:—

Recovery of rates  
on alteration of  
boundaries, etc.

157. ON the exercise by the Governor of the powers conferred by section six, all or an apportioned part of the rates and other moneys which are due and payable or accruing due to any Board affected thereby shall be and become due and payable to and shall be received and may be recovered by such Board or Boards as the Governor may by notice published in the *Government Gazette* determine.

Amendment of  
Sec. 158.

**17.** SECTION one hundred and fifty-eight of the principal Act is amended by striking out the words “of the,” in line one, and the words “mentioned in the Seventeenth Schedule,” in line two. The Seventeenth Schedule is repealed.

**18.** SECTION one hundred and sixty-nine of the principal Act is amended by striking out the words “within a district to which this Part applies.” Amendment of Sec. 169.

The section is transposed to Part IX., and shall be numbered two hundred and thirteen.

**19.** [130.] IF from any cause the rate book has not been made up on or before the second Saturday in June in any year, the Minister may, by an order in writing, extend the time appointed for that purpose. All rate books hitherto made up, and all rates hitherto levied, are hereby declared to be valid, notwithstanding that the rate book may not have been made up within the appointed time, or any failure on the part of the Board to otherwise comply with the provisions of the principal Act, subject to the right of any person to appeal against any valuation within a month from the sixteenth day of January, one thousand nine hundred and four. Minister may extend time for making up rate book.

**20.** [155.] WHENEVER any person sells any ratable land he shall give to the Board notice thereof in writing, with a plan or description of the land and the name and address of the purchaser. Liability for rates after sale until notice given.

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.

**21.** [159.] THE Board may, with the approval of the Minister, write off arrears of rates due in respect of any ratable land; but such approval shall not be given until public notice in the prescribed form, containing a list of arrears intended to be written off, has been published. Arrears may be written off.

**22.** [173.] (1.) THE Board of any district to which Part VII. applies may make or pave footways, and, with the consent of the Minister, construct and maintain river jetties and bathing-houses, and may pay the expense incurred thereby out of their general revenue. Footways, jetties, etc., may be made.

(2.) One moiety of the expense incurred in making or paving footways shall be repaid to the Board by the owners of all ratable lands abutting on any such footway or part thereof, apportioned according to the frontage of such lands abutting on the footway or part thereof, and may be recovered from such owners by the Board in any Court of competent jurisdiction.

**23.** [216.] THE Boards of two or more districts may at their joint expense construct and maintain in any district any work which a Board is authorised by this Act to construct, and may apportion the expenditure and revenue between the respective Boards. Works may be constructed by several Boards jointly.

Every such work shall be and continue under the control of the Board of the district in which it is situated, but the by-laws relating to the same shall, before confirmation by the Governor, be submitted to the several Boards.

Regulations.

**24.** [217.] THE Governor may make regulations, and may by such regulations alter or vary any of the schedules and prescribe additional forms.

Manner of showing amendments.

**25.** IN all copies of the principal Act hereafter printed by the Government Printer, all repeals and amendments made by this Act shall be omitted and inserted as the case may be, and reference shall be made in the margin of the principal Act to the sections of this Act by which such repeals or amendments are respectively made.

The remaining sections of this Act shall be inserted in the principal Act, and when so inserted shall respectively bear the numbers set against each of them in square brackets, and the existing sections of the principal Act, so far as may be necessary, shall be renumbered and the references to the same amended accordingly, under the supervision of the Clerk of the Parliaments.