

Roads Act, 1888—Amendment

WESTERN AUSTRALIA

ANNO QUINQUAGESIMO OCTAVO

VICTORIÆ REGINÆ

No. 17

An Act to amend 'The Roads Act, 1888.'

[Assented to 8th November, 1894.]

BE it enacted by the Queen'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:—

Short title

1. This Act may be cited for all purposes as 'The Roads Act, 1888, Amendment Act, 1894,' and shall be incorporated with and read as part of 'The Roads Act, 1888.'

Repeal of section
97 of 52 Vic.,
No. 16

2. Section ninety-seven of 'The Roads Act, 1888,' is hereby repealed, and the following section is substituted in lieu thereof:—

A certificate of sale of any rateable land, according to the form in Schedule I of the said Act, shall be made out by the person directed in the order of Court to sell the same, and shall be given by him to the purchaser; and the Registrar of Titles, notwithstanding any of the provisions of 'The Transfer of Land Act, 1893,' on the application in writing of the purchaser, and on production of the said certificate of sale and of an office copy of the said order, shall, after ascertaining the correct boundaries of the land sold, and that it has been alienated by the Crown, bring the same under the operation of the said Transfer of Land Act, without advertisement, by issuing to such purchaser a certificate of title as the proprietor in fee; or if such land be already under the operation of the last-mentioned Act, then the said Registrar shall register the certificate of sale in like manner as a transfer of the land therein mentioned. The purchaser of any such land as aforesaid shall pay to the said Registrar all such fees as he would be entitled to demand and receive in the case of an applicant or transferee.

Amendment of
section 3 of
52 Vic., No. 16

3. The words 'or leased by the Crown for pastoral purposes,' occurring in section three, sub-section (2), of 'The Roads Act, 1888,' are hereby repealed.

Rateable value
of lands leased
from the Crown

4. The net annual value of all lands leased from the Crown shall, notwithstanding any of the provisions of 'The Roads Act, 1888,' and whether occupied or unoccupied, be taken to be the annual rent payable to the Crown by the lessee thereof.

The manager or
superintendent
of an owner
entitled to be on
electoral list in
certain cases

5. (1) The manager or superintendent of any owner of rateable property within the limits of any district shall, in case the owner or one of the owners shall not reside upon any part of the property, be entitled to have his name inserted upon the electoral list for such district as an occupier, and be qualified to be a voter, and to be a member of a Board.

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(2) Such manager or superintendent shall be entitled as aforesaid, notwithstanding he has not paid any rates assessed by the Board upon the property, provided all such rates (if any) have been paid up to the thirtieth day of June preceding the making up of the electoral list.

6. The Governor may, from time to time, place under the temporary or permanent management and control of a board any public reserves or any public works, buildings, erections, machines, implements, wells, tanks, dams, reservoirs, or other things which have been constructed, purchased, or provided out of public funds: Provided that the Governor may at any time direct that such management and control shall cease and determine.

Governor may place certain works under control of a Board,

7. The Governor may, from time to time, cause to be placed to the credit of a Board, for the purpose of any specific object within the district, any sum of money out of the moneys appropriated by Parliament for such objects; and such sum shall not be deemed to be ordinary income of the Board: Provided that in every such case a separate detailed account of the expenditure incurred by the Board upon such specific object shall, from time to time and whenever required, be furnished to the Minister for Public Works.

Governor may allot public moneys to Board for specific objects

8. The Board shall have power to construct, sink, and maintain tanks, dams, reservoirs, and wells, and to bore for water for the purpose of providing a water supply along any line of road in the district, and may impose and fix the rates to be paid for water, and regulate the supply and distribution thereof to the public.

Board may construct and sink tanks and wells, &c., and impose rates for water

9. The Board may, from time to time, make, publish, alter, modify, amend, or repeal by-laws with respect to any of the following matters :—

Board may make by-laws

- (a) For regulating the management and use of any public reserve or common under the control of the Board, and the rights and privileges to be enjoyed by the inhabitants of the district, or other persons, over such reserve or common respectively.
 - (b) Prescribing the fees and charges to be paid for grazing stock on any such reserve or common, and providing for the collection and enforcing payment of such fees and charges.
 - (c) For preventing the pollution of water-courses, pools, wells, dams, tanks, reservoirs, or other public waters within the district of the Board.
 - (d) For regulating the supply and distribution of water at any public well, bore, or place formed for the storage of water, and under the control of the Board, and imposing, collecting, and enforcing payment of rates therefor by consumers.
 - (e) For the prevention of injury and damage to any public well, bore, or other place as aforesaid, and the machinery, appliances, and property used in connection therewith.
10. (1) Every person who shall damage or destroy
- (a) Any frame on which is exhibited any by-laws of a Board or particulars of such by-laws; or

Penalties

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(b) Any windlass, rope, chain, bucket, troughing, framing, windmill, machinery, appliances, or property on or belonging to or used in connection with any public well, bore, or other place formed for the storage of water, and under the control of the Board, shall be liable, on conviction, to a penalty not exceeding Twenty pounds, and may be ordered by the convicting justices to pay to the Board the costs and expenses of making good such damage or replacing the property destroyed; and

(2) Every person who shall deface or obliterate any by-laws or particulars so exhibited shall be liable, on conviction, to a penalty not exceeding Five pounds.

Amendment of
Section 9 of
'Roads Act,
1888'

11. Section nine of 'The Roads Act, 1888,' is hereby amended by omitting the words 'within the district' in the first line thereof.

ALEX. C. ONSLOW,
GOVERNOR'S DEPUTY.
