

## LAND DRAINAGE.

5° and 6° GEO. VI., No. XLIII.

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No. 43 of 1941.

**AN ACT to amend the Land Drainage Act, 1925.**

[Assented to 2nd January, 1942.]

**B**E 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:—

Short title.

1. This Act may be cited as the *Land Drainage Act Amendment Act, 1941*, and shall be read as one with the Land Drainage Act, 1925 (No. 43 of 1925), hereinafter referred to as the principal Act.

2. Section six of the principal Act is amended by deleting the definition of "Financial year" and inserting in lieu thereof a definition as follows:—

Amendment  
of s. 6.

"Financial year" in relation to the rating and financial transactions of a board means the financial year as prescribed from time to time by by-law made by such board under this Act.

3. Section nine of the principal Act is amended by inserting therein after subsection (3) a new subsection as follows:—

Amendment  
of s. 9.

(3a) If any drain or works has or have been constructed, partly constructed or improved by the Crown, whether before or after the commencement of this Act, in any portion of the State at a time when such portion of the State was not comprised in a drainage district constituted under any Act repealed by this Act or under this Act, and since the construction, partial construction or improvement of such drain or works the portion of the State in which it, or they, has, or have been constructed, partly constructed or improved as aforesaid, has been or hereafter shall be constituted a drainage district under this Act, or if any drain or works has or have prior to the commencement of this subsection been constructed, partly constructed or improved by the Crown in any portion of the State which at the time of the construction, partial construction or improvement of such drain or works, was a drainage district under any Act repealed by this Act, or under this Act, and in order to resolve any doubt as to whether such drain or works aforesaid has or have either under this Act or any other Act been vested in the board of such drainage district, or in the Minister, as the case may be, any such drain or works aforesaid shall, for all the purposes of this Act, be deemed to have been constructed under the provisions of this Act by the board of such drainage district, or, where there is no board by the Minister,

and shall be deemed to be vested in the said board or in the Minister, as the case may be, and the provisions of this section and all other sections of this Act shall apply in relation to such drain or works accordingly.

Amendment  
of s. 60.

4. Section sixty of the principal Act is amended by inserting in subsection (2) thereof after the word "works" in line one of such subsection the words "except such works the estimated cost of which shall not exceed five hundred pounds as the Governor may exempt from the operation of this section and section sixty-two of this Act."

Amendment  
of s. 74.

5. Section seventy-four of the principal Act is amended by deleting the words "on or before the seventh day of July in every year" in lines two and three of the section and inserting in lieu thereof the words "in every year as soon as reasonably may be before the commencement of the next financial year of the board."

Amendment  
of s. 87.

6. Section eighty-seven of the principal Act is amended by deleting from subsection (1) thereof the words "in July in every year" in line one of the said subsection and inserting in lieu thereof the words "in every year as soon as reasonably may be after the close of the then past financial year of the board."

Amendment  
of s. 91.

7. Section ninety-one of the principal Act is amended as follows:—

(a) by deleting the words "year ending the thirtieth day of June next following, and every financial year shall end on that date" in lines two and three of the section, and inserting in lieu thereof the words "financial year of the board as prescribed by the board by by-law made under this Act;"

(b) by adding to the section a subsection as follows:—

(2). Where, by reason of any alteration in the financial year of any board the making and levying of the rate for a part of a year only shall become necessary, the board

may make and levy the rate for such part of the year, but the rate for such part of the year shall bear the same ratio to the rate for a whole year as the part of the year for which the rate is made and levied bears to a whole year.

8. Section one hundred and thirty-eight of the principal Act is amended by deleting the words "on the thirtieth day of June in every year" and inserting in lieu thereof the words "in every year on the last day of the financial year as prescribed by the board by by-law made under this Act." Amendment of s. 138.

9. Section one hundred and forty-eight of the principal Act is amended by inserting therein after paragraph (i) a new paragraph as follows:—

(ia) Prescribing the financial year of the board.

10. The principal Act as amended by this Act may be cited as the Land Drainage Act, 1925-1941. Citation of principal Act as amended.

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