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[CONFIDENTIAL]  
(Rough Draft for Consideration Only.)

No. , 1934.

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## A BILL

To amend the Main Roads Act, 1924-1931, the Sydney Harbour Bridge (Administration) Act, 1932, and certain other Acts in certain respects; to validate certain matters; and for purposes connected therewith.

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**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 New South Wales in Parliament assembled, and by the authority of the same, as follows:—

**1.** (1) This Act may be cited as the "Main Roads (Amendment) Act, 1934." Short title and citation.

(2) The Main Roads Act, 1924-1931, as amended by subsequent Acts, is in this Act referred to as the Principal Act.

Main Roads (Amendment).

(3) The Principal Act as amended by this Act may be cited as the Main Roads Act, 1924-1934.

2. The Principal Act is amended—

Amendment of Act No. 24, 1924.

(a) by inserting in section three after the definition of "Botany Road Trust" the following new definition:—

Sec. 3. (Interpretation.)

"Commissioner" means the Commissioner for Main Roads appointed under the Transport (Division of Functions) Act, 1932.

(b) by inserting in the same section after the definition of "Public road" the following definition:—

"Regulations" means regulations made under this Act.

3. The Principal Act is further amended—

Further amendment of Act No. 24, 1924.

(a) by omitting from paragraph (a) of subsection two of section seven the words "the board, ordinances may also be made under the Local Government Act, 1919," and by inserting in lieu thereof the words "the Commissioner, regulations may be made by the Governor";

Sec. 7. (Officers.)

(b) by omitting from the same paragraph the word "ordinances" where secondly occurring and by inserting in lieu thereof the word "regulations";

(c) by inserting at the end of subparagraph (iii) of paragraph (b) of subsection two of section seven the words "as if he had continued as an officer of the public service";

(d) by omitting from the same paragraph the words "Service in the public service shall be deemed service with the board" and by inserting in lieu thereof the words "Service with the board or its successors shall be deemed service in the public service";

(e) by inserting at the end of subsection four of section seven the words "and the Developmental Roads Fund."

Main Roads (Amendment).

(2) All ordinances made before the commencement of this Act in pursuance of the powers conferred by paragraph (a) of subsection two of section seven of the Principal Act, and in force immediately prior to such commencement, shall continue in force until altered or repealed by regulations made under the said paragraph as amended by subsection one of this section.

4. The Principal Act is further amended by inserting at the end of section seven the following new section :

Further amendment of Act No. 24, 1924.

New s. 7A.

Rights of certain persons in the service of the Commissioner.

7A. (1) Any person who—

(a) is at the commencement of the Main Roads (Amendment) Act, 1934, in the service of the Commissioner; and

(b) was, immediately before his appointment to the service of the Main Roads Board or its successors—

(i) an employee of an employer within the meaning of the Superannuation Act, 1916-1930; and

(ii) a contributor to the Superannuation Fund in accordance with that Act,

shall be entitled, and shall be deemed always to have been entitled to continue as such contributor and to receive the benefits under that Act in respect of which he has contributed.

(2) For the purposes of this section " Service with the Board " or its successors shall be deemed to be service with such employer as aforesaid.

(3) This section shall not apply to or in respect of any person to whom paragraph (b) of subsection two of section seven applies.

5. (1) The Principal Act is further amended by omitting from paragraph (a) of subsection one of section ten the words " after deducting a sum fixed by the Treasurer, not exceeding five per centum thereof, for cost of collection (which shall be paid to Consolidated Revenue Fund)."

Further amendment of Act No. 24, 1924.

Sec. 10 (1) (a). (Motor revenue.)

(2) Subsection one of this section shall be deemed to have commenced on the first day of July, one thousand nine hundred and thirty-two.

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6. (1) The Principal Act is amended by inserting at the end of subsection three of section eleven the following new proviso:—

Further amendment of Act No. 24, 1924, s. 11 (3).

“ Provided further that a council may, with the approval of the Commissioner, pay the contribution for the financial year ending on the thirty-first day of December, one thousand nine hundred and thirty-two, or for any financial year subsequent thereto, under such conditions and at such times (whether by way of monthly instalments or otherwise, and whether in the year in which the contribution becomes due and payable or in any subsequent year) as the Commissioner may approve.”

(2) Subsection one of this section shall be deemed to have commenced upon the thirty-first day of December, one thousand nine hundred and thirty-one; and a reference to the Commissioner in the proviso inserted by that subsection shall be deemed to include a reference to the predecessors of the Commissioner.

(3) The Principal Act is further amended—

Ibid. s. 11 (7).

- (a) by omitting from subsection seven of section eleven the word “ shall ” and by inserting in lieu thereof the word “ may ”;
- (b) by inserting after the words “ county of Cumberland ” where thirdly occurring in the same subsection the words “ or may be added to any rate levied for general purposes upon such lands or property.”

7. The Principal Act is further amended by omitting subsections two and three of section twelve.

Further amendment of Act No. 24, 1924.

8. (1) The Principal Act is further amended by omitting from paragraph (a) of subsection one of section twenty the words “ after deducting a sum fixed by the Treasurer, not exceeding five per centum thereof, to cover cost of collection (which shall be paid to Consolidated Revenue Fund).”

Further amendment of Act No. 24, 1924. Sec. 20 (1) (a).

(2) Subsection one of this section shall be deemed to have commenced upon the first day of July, one thousand nine hundred and thirty-two.

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9. (1) The Principal Act is further amended—

Further amendment of Act No. 24, 1924.

Sec. 21.

- (a) by omitting from subsection (3A) of section twenty-one the words “on loans appropriated for country main roads or Federal Aid Roads in the Western Division, after the first day of December, one thousand nine hundred and twenty-four, and before the first day of July, one thousand nine hundred and twenty-eight,” and by inserting in lieu thereof the words—

“(a) on loans appropriated for country main roads after the thirty-first day of December, one thousand nine hundred and twenty-four, and before the first day of July, one thousand nine hundred and twenty-eight;

(b) on loans appropriated for Federal Aid Roads in the Western Division after the thirty-first day of December, one thousand nine hundred and twenty-four, and before the first day of July, one thousand nine hundred and thirty-one.”

- (b) by inserting at the end of subsection (4A) the following proviso:—

Provided that commencing on the first day of July, one thousand nine hundred and thirty-three, the amount of the annual payment for any year calculated under the preceding provisions of this subsection shall be reduced by the sum required to be paid to the Treasurer for that year pursuant to paragraph (b) of subsection (3A) of this section.

(2) Subsection one of this section shall be deemed to have commenced on the first day of July, one thousand nine hundred and thirty-three.

(3) The Principal Act is further amended by omitting subsections five and six of section twenty-one.

10. The Principal Act is further amended by omitting paragraph (b) of subsection five of section twenty-four and inserting in lieu thereof the following new paragraph:—

Further amendment of Act No. 24, 1924.

(b) The amount of any contribution by a council under this Part may be paid in the first place from the general fund (or in the case of a main road in an urban area from the appropriate fund of the urban area) and may be raised by a separate special or local rate. Where raised by a separate special or local rate it may be used to recoup the general fund (or appropriate fund of an urban area) as the case may be, to the extent of the amount of contribution paid therefrom. Any such separate special or local rate may be levied notwithstanding that thereby the rates levied shall to that extent exceed any limit of rates laid down by or under the Local Government Act, 1919, or any other Act.

Sec. 24. (Contributions—country main roads.)

11. The Principal Act is further amended—

Further amendment of Act No. 24, 1924.

(a) by omitting the heading “Developmental Roads” at the commencement of Part VI and by inserting in lieu thereof the heading

(Developmental works.)

“ DEVELOPMENTAL ROADS AND DEVELOPMENTAL WORKS.”

(b) by omitting from subsection one of section twenty-eight the words “any road,” and by inserting in lieu thereof the words “or as a developmental work (as the case may be) any road or work”;

(c) (i) by inserting in subsection two of the same section after the words “developmental road” wherever occurring the words “or developmental work”;

(ii) by inserting in the same subsection after the words “such road” the words “or work”;

(d) (i) by omitting from paragraph (a) of subsection one of section twenty-nine the words “or the Public Works Fund for this purpose”

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purpose" and by inserting in lieu thereof the words "for the purposes of developmental roads or developmental works";

(ii) by omitting paragraph (b) of the same subsection, and by inserting in lieu thereof the following paragraph:—

(b) any sums apportioned for developmental roads and developmental works from moneys granted by the Government of the Commonwealth of Australia for road works;

(iii) by inserting in paragraph (c) of the same subsection after the words "developmental roads" the words "or for developmental works";

(iv) by inserting in subsection two of the same section, after the words "construction of developmental roads" wherever occurring the words "and developmental works";

(v) by omitting from subsection two of the same section the word "roads" where lastly occurring and by inserting in lieu thereof the words "road works";

(e) (i) by inserting at the end of subsection one of section thirty the words "or of a work as a developmental work";

(ii) by inserting at the end of subsection two of the same section the words "or a developmental work";

(iii) by inserting at the end of subsection three of the same section the words "or a developmental work";

(iv) by inserting in subsection six of the same section after the words "developmental roads" wherever occurring the words "or developmental works";

(f) (i) by inserting in subsection one of section thirty-one after the words "developmental road" the words "and developmental work";

(ii)

- (ii) by inserting in subsection two of the same section after the word "road" the words "or work";
- (iii) by inserting at the end of subsection four of the same section the words "or the carrying out of any developmental work in the council's area";
- (g) by inserting in section three after the definition of "developmental road" the following new definition:—  
 "Developmental work" means any work upon a road, route, or means of access declared to be a developmental work under this Act, or any part of such developmental work.
- (h) by inserting in subsection one of section thirty-two after the words "developmental roads" the words "or to carry out any developmental work";
- (i) by inserting in subsection one of section thirty-six after the words "developmental road" where firstly occurring the words "or a developmental work."

**12.** (1) The Local Government Act, 1919, as amended by subsequent Acts, is amended by inserting after subsection one of section two hundred and forty-three the following new subsection:—

Amendment of Act No. 41, 1919, s. 243. (Pavings, etc.)

(1A) Where under an agreement between the Commissioner for Main Roads and the council the Commissioner or the council constructs or paves any footway or constructs any kerbing or guttering in any public road as defined in the Main Roads Act, 1924-1931, a reference in this section to a public road shall be deemed to include a reference to a public road as defined in the said Act; and where under any such agreement the work is carried out by the Commissioner for Main Roads such work shall, for the purposes of this section, be deemed to have been carried out by the council.

A reference in this subsection to the Commissioner for Main Roads shall be deemed to include a reference to the predecessors of such Commissioner.

(2)



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(2) Subsection one of this section shall be deemed to have commenced on the first day of January, one thousand nine hundred and twenty-five.

**13.** (1) The Principal Act is further amended by inserting after subsection one of section thirty-six the following new subsection:—

Further amendment of Act No. 24, 1924.

(1A) A main or developmental road may be opened as a public road under the Public Roads Act, 1902, notwithstanding that the road does not conform to the standard width prescribed by the Local Government Act, 1919, for a main or a secondary road as the case may be.

Sec. 36. (Width of main and developmental roads.)

(2) Subsection one of this section shall be deemed to have commenced upon the first day of January, one thousand nine hundred and twenty-five.

**14.** The Principal Act is further amended:—

Further amendment of Act No. 24, 1924.

(a) by omitting the short heading "Control of Main Roads" immediately before section thirty-nine, and by inserting in lieu thereof the following short heading—

"CONTROL OF CERTAIN ROADS."

(b) by omitting from subsection one of section thirty-nine the word "clause" and by inserting in lieu thereof the word "section";

Sec. 39.

(c) by inserting in subsection two of the same section after the word "rails" the words "kerbing, guttering, footway paving";

(d) (i) by inserting in subsection four of the same section after the word "person" the words "whether or not";

(ii) by omitting from the same subsection the words "or other thing whatsoever in" and by inserting in lieu thereof the words "petrol pump, stall, structure, gutter crossing, kerbing, guttering, footway paving, or other thing whatsoever in, upon, under or over";

(iii)

- (iii) by inserting after the word "board" where firstly occurring in the same subsection the words "any such consent may be conditional upon the observance of such directions and stipulations as may be specified in the consent";
- (e) by inserting after subsection four of the same section the following new subsection:—
- (4A) (a) Nothing whatsoever shall be placed, attached, or fixed to, in, on, over, or under a bridge culvert, or other structure in or on any main road unless the permission of the Commissioner shall be first had and obtained and any permission so given shall be deemed subject to the undermentioned conditions:—
- (i) observance by the person, corporation or body to whom or to which such permission is granted of such stipulations as the Commissioner may consider necessary to preserve the bridge culvert, or other structure or the adjacent property or the passing public against accident or damage or the risk thereof;
  - (ii) payment by the person, corporation or body to whom or to which such permission is granted as aforesaid of any additional cost to which the Commissioner may be subjected by reason of strengthening or supplying any additional work to that which would ordinarily be undertaken on such bridge, culvert, or other structure, and also payment of such rental as the Commissioner may determine for the period during which the permission aforesaid is subsisting;
  - (iii) removal by the person, corporation or body to whom or to which such permission is given of anything so placed, attached, or fixed as aforesaid to such position as the Commissioner may direct for or in connection.

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connection with the maintenance, reconstruction and/or enlargement of the whole or any portion of the bridge, culvert, or other structure, including the roadway thereof, failing which the Commissioner may remove anything so placed, attached, or fixed as aforesaid and recover the expenses of removal from the person, corporation or body to whom or to which such permission is given, and any necessary replacing or re-attaching shall be undertaken by such person, corporation or body;

(iv) the Commissioner shall not be responsible for destruction of or damage to anything so placed, attached, or fixed as aforesaid, from any cause whatsoever and the person, corporation or body aforesaid shall indemnify and reimburse the Commissioner against or in respect of any claim made or compensation paid as a result of damage to any person or property which in the opinion of the Commissioner is attributable to anything so placed, attached, or fixed as aforesaid;

(v) nothing herein contained shall confer an easement on the person, corporation or body aforesaid and the Commissioner may terminate the permission so granted by three months' notice in writing after which the person, corporation or body to whom or to which such permission was granted shall remove anything so placed, attached, or fixed as aforesaid, or the same may be removed by the Commissioner and the expenses of removal by the Commissioner may be recovered from the person, corporation or body aforesaid.

(b) Where the provisions of this subsection are inconsistent with any provision in any other Act, the provisions of this subsection shall

shall prevail; and, as from the date of commencement of this section, in all cases where public utility services or other things are already supported on or attached to existing structures, it shall be deemed that permission of the Commissioner has been granted, but such permission is subject to the conditions set out above.

(f) by inserting at the end of subsection five of the same section the words "nor shall any person remove or cause damage or injury to any such tree, work or structure";

(g) by inserting after subsection six of the same section the following new subsections:—

(7) A council or statutory body or a department of the Government or a person shall not, except in accordance with a particular or general approval of the Commissioner, and subject to the observance of any conditions and stipulations which the Commissioner may attach to such approval, erect, establish, or place or grant to any person permission to erect, establish, or place any hoarding or advertisement in such a position as to be visible from any main road.

The Commissioner may, if circumstances render it necessary, withhold such approval for such period as the Commissioner may see fit.

(8) A reference in this section and in sections forty, 40A, forty-one and forty-two to a main road shall be deemed to include a reference to a developmental road, and to a road declared to be a secondary road under section eighteen of this Act.

15. The Principal Act is further amended by adding at the end of section forty the following new section:—

Further amendment of Act No. 24, 1924.

40A. Where any person or statutory body or department of the Government in placing or removing any pipe, wire, rail, passage, tunnel or thing whatsoever in, upon, under or over any main road breaks or opens up the road, or where a main road is damaged as a result of a leakage from or breakage

Reinstatement.

or

or bursting of any such thing, the Commissioner may require the person or statutory body or department of the Government breaking or opening up the road to fill in and repair the part of the road broken or opened up, and may require the person or statutory body or department of the Government responsible for the placing or having the care or control of such pipe, wire, rail, passage, tunnel or thing from which there is any leakage or which is broken or burst to make good any damage to the road resulting therefrom to his satisfaction.

The Commissioner may, in lieu of requiring the person, statutory body or department of the Government to fill in and repair the road or to make good such damage to the road carry out the work himself and may recover the expenses thereof from such person, statutory body or department of the Government: Provided that where any person, statutory body or department of the Government other than the person, statutory body or department of the Government responsible for the placing or having the care or control of the pipe, wire, rail, passage, tunnel or other thing causes such leakage, breakage, or bursting, the first-mentioned person, statutory body or department of the Government shall make good any damage to the road resulting from such leakage, breakage or bursting, or pay the expenses of making good such damage to the Commissioner as he may require.

**16.** The Principal Act is further amended by omitting section forty-two and by inserting in lieu thereof the following section:—

Further amendment of Act No. 24, 1924.

42. (1) (a) Where any works are carried out by a council on a main road the Commissioner may, if the work is done to his satisfaction, allow to the council such sum or sums as the Commissioner thinks fit as a contribution towards the administrative expenses of the council in connection with such works not exceeding in the aggregate one pound ten shillings per centum on the amounts otherwise paid by the Commissioner towards the cost of the work excluding

Allowance to councils.

excluding any amounts required by the Commissioner to be repaid as a condition of assistance granted to the council.

(b) Any sum so paid to the council shall not be paid by the council to any officer or employee of the council as a bonus or addition to his salary or wages.

(2) The provisions of subsection (a) of this section shall apply in respect to any work completed after the commencement of the Main Roads (Amendment) Act, 1934, and shall not apply to any works for the relief of unemployment where the cost thereof is paid by the Treasurer to the Commissioner for that purpose.

**17.** The Principal Act is further amended by inserting after the word "thing" in subsection two of section forty-six the words "or otherwise remedy the breach of the Act."  
Further amendment of Act No. 24, 1924.

**18.** The Principal Act is further amended—  
Further amendment of Act No. 24, 1924.

(a) by omitting the proviso from subsection one of section forty-nine, and by inserting in lieu thereof of the following new proviso:—  
cf. s. 8, Act No. 95 of 1902.

Provided that when deemed necessary the notification shall state the depth below the surface to which the land is resumed or appropriated.

(b) by inserting at the end of the same subsection the following new subsection:—

(1A) The provisions of section one hundred and thirty-eight of the Public Works Act, 1912, shall not be deemed to extend to any land taken by the Commissioner for the purposes of this Act and being part of the curtilage of a dwelling house or to any garden, lawn, yard, court, or other land used or occupied in connection with any house or other building or manufactory.

19. (1) The Principal Act is further amended—

Further amendment of Act No. 24, 1924.

Sec. 51.

- (a) by omitting from subsection one of section fifty-one the words "the board, ordinances may be made under the Local Government Act, 1919," and by inserting in lieu thereof the words "the Commissioner, the Governor may make regulations";
- (b) by omitting from subsection two of the same section the word "ordinances" and by inserting in lieu thereof the word "regulations";

(2) All ordinances made before the commencement of this Act in pursuance of the powers conferred by section fifty-one of the Principal Act and in force immediately prior to such commencement shall continue in force until altered or repealed by regulations made under that section as amended by subsection one of this section.

20. (1) The Principal Act is further amended—

Further amendment of Act No. 24, 1924.

Sec. 60.

- (a) by omitting from subsection one of section sixty the words "which may be constructed or established under the provisions of this Act upon any metropolitan main road or country State highway" and substituting therefor the words "upon any metropolitan main road or country State highway, which bridge or ferry is vested in or subject to the administration or control of the Commissioner, or which is constructed or established under the provisions of this Act";
- (b) by omitting from paragraph (a) of subsection four of the same section the words "the board, ordinances may be made under the Local Government Act, 1919," and by inserting in lieu thereof the words "the Commissioner, the Governor may make regulations";
- (c) by omitting from paragraph (b) of the same subsection the word "ordinances" and by inserting in lieu thereof the word "regulations."

(2)

(2) All ordinances made before the commencement of this Act in pursuance of the powers conferred by section sixty of the Principal Act, and in force immediately prior to such commencement, shall continue in force until altered or repealed by regulations made under that section as amended by subsection one of this section.

**21.** The Principal Act is further amended—

Further amendment of Act No. 24, 1924. Sec. 61.

- (a) by omitting from subsection one of section sixty-one the words " a main road " and by inserting in lieu thereof the words " or constructing a road or of opening a new road ";
- (b) by adding at the end of subsection two of the same section the following new subsection:—

(3) In lieu of payment of compensation, purchase money or damages in respect of the acquisition of any land for the purposes of this Act or in respect of damage to land arising out of the alteration of road levels in connection with any work constructed under this Act, the Commissioner may, with the consent of the owner or person entitled to such compensation, purchase money or damages, execute such works as may be agreed upon partly or wholly in satisfaction of such compensation, purchase money or damages as aforesaid.

**22.** The Sydney Harbour Bridge (Administration) Act, 1932, is amended by omitting subsection three of section eleven and by inserting in lieu thereof the following new subsection:—

Amendment of Act No. 2, 1932. Sec. 11 (3).

(3) The Governor may, by proclamation published in the Gazette, vest in any of the bodies mentioned in subsection two of this section any part of the said lands for such estate and subject to such trusts and for such purposes as are specified in the proclamation.