

[CONFIDENTIAL.]

(Rough Draft for Consideration Only.)

No. , 1925.

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## A BILL

To amend the Main Roads Act, 1924; to validate certain payments by the Main Roads Board; to confer certain further powers upon the Main Roads Board; to amend the Local Government Act, 1919, and certain other Acts; 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, 1925," and shall be read with the Main Roads Act, 1924. Short title.

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(2) In this Act the expression "the Principal Act" means the Main Roads Act, 1924. Principal Act.

(3) In any Act any reference to the Main Roads Act, 1924, shall be deemed to be a reference to that Act as amended by this Act. References.

(4) The Main Roads Act, 1924, as amended by this Act, may be cited as the "Main Roads Acts, 1924-1925." Citation.

**2.** Part I of the Principal Act is amended as follows:— Amendment of Act 1924, No. 24.

(a) By omitting from subsection two of section one the words "or to any irrigation area proclaimed under the Irrigation Act, 1912, or constituted by the Wentworth Irrigation Act, 1890, the Hay Irrigation Act, 1902, or the Murrumbidgee Irrigation Act, 1910"; Sec. 1, subsec. (2).

(b) by inserting after subsection two of the same section the following new subsections:— New subsecs. (3) and (4).

(3) This Act shall (where specifically so provided only) apply to an irrigation area proclaimed under the Irrigation Act, 1912, or constituted by the Wentworth Irrigation Act, 1890, the Hay Irrigation Act, 1902, or the Murrumbidgee Irrigation Act, 1910.

(4) This Act shall (where specifically so provided only) apply to the Western Division;

(c) by omitting from section three the definition of "Developmental road"; Sec. 3.

(d) by adding at the end of the definition of "Main road" in section three the words "and includes a State highway." Ibid.

**3.** Part II of the Principal Act is amended by omitting subsection two of section seven and by inserting the following subsection in lieu thereof— Amendment of Act 1924, No. 24. Sec. 7 (2).

(2) (a) The board may appoint and employ such officers as it thinks necessary to assist in the execution of this Act.

(b) Where an officer of the public service has been or is hereafter appointed to a position in the service of the board he shall retain his status

as

as a public servant and his right to transfer and promotion in the public service under the Public Service Act, 1902.

(c) Officers not drawn from the public service shall hold office during pleasure only.

4. Part III of the Principal Act is amended—

Amendment of Act 1924, No. 24. Sec. 8.

(a) by adding at the end of section eight a new subsection as follows :—

(8) The Governor may, from time to time, on the recommendation of the board, re proclaim any main road, or the list of main roads, correcting or amplifying the particulars and definitely fixing the routes, and renumbering or renaming any main road. It shall not be necessary for the board to give notice to any council prior to such reclamation ;

Reproclamation of main roads.

(b) by inserting after section eight the following new section :—

New s. 8A.

8A. (1) The Governor may, on the recommendation of the board, select a series of public roads (whether proclaimed as main roads or not) forming a principal trunk route through the State, and proclaim such route to be a State highway.

State highways.

(2) The Governor may on the like recommendation by proclamation amend or rescind any such proclamation or vary the route of any State highway.

(3) The board may give numbers and names to State highways, and notify such numbers and names.

(4) The provisions of section forty-four of this Act shall not apply to a State highway.

5. Part IV of the Principal Act is amended—

Amendment of Act, 1924, No. 24. Sec. 14.

(a) by omitting section fourteen and by inserting the following new section fourteen in lieu thereof :—

14. (1) This section shall apply in respect of a State highway so far as such State highway lies within the county of Cumberland.

Construction and maintenance of State highways in the county of Cumberland.

(2) The board shall have the power to construct and maintain the carriageways of State highways, and to widen State highways.

(3)

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(3) The board may, in any special case, arrange for a work of construction or of maintenance, or of widening on a State highway to be performed by a council at the cost of the board.

(4) The granting of the powers conferred upon the board by this section in respect of a State highway shall not, except in so far as may be necessary for and during the exercise of those powers, limit or affect the powers of the council in respect of the road.

(5) The board may, either directly or through the council, control the digging up of a State highway carriageway by any person not having statutory authority.

(6) The board may use the County of Cumberland Main Roads Fund for the purposes of this section ;

(b) by inserting before subsection one of section fifteen the following new subsections one, two, and three, and by renumbering of the present subsections of the section as four, five, six and seven respectively :—

Sec. 15.

(1) A council may apply to the board for money to construct or maintain a metropolitan main road other than a State highway.

Construction and maintenance of other main roads.

(2) The board may, on receipt of a council's application, or in the absence of any such application, decide what works of construction or of maintenance are needed upon a metropolitan main road, and can be financed.

(3) Before so deciding, the board shall consider the representations, if any, of the council of the area in which the works are proposed to be carried out ;

(c) by inserting the following new section next after section eighteen—

New s. 18A.

18A. (1) The Governor may grant approval to a council to borrow for the construction of a main road in the county of Cumberland if the council has first obtained the approval of

Council's power to borrow for main road construction.

the

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the board to such construction and an undertaking from the board to defray the interest and repayment of the loan.

(2) In such case it shall not be necessary for the council to carry out the procedure required by the Local Government Act, 1919, as a condition precedent to borrowing, except to make application thereunder for the Governor's approval.

(3) In any such case it shall not be necessary for the council to levy a loan rate.

(4) Any such loan shall not be taken into account in ascertaining whether the council's borrowings are within the limit provided by the Local Government Act, 1919.

**6.** Part V of the Principal Act is amended—

Amendment of Act 1924, No. 24. New s. 21A.

(a) by inserting next after the heading "Division 3—Country Main Road Works," and next before section twenty-two the following new section:—

21A. (1) This section shall apply in respect of a State highway so far as it lies outside the county of Cumberland.

Construction, maintenance, widening, and control of State highways (country).

(2) The board shall have the power to construct and maintain the carriageways of State highways, and to widen State highways.

(3) The board may, in any special case, arrange for a work of construction or of maintenance or of widening on a State highway to be performed by a council, or so far as the State highway is within an irrigation area by the Water Conservation and Irrigation Commission.

(4) The grant of powers conferred upon the board by this Act in respect of a State highway shall not, except in so far as may be necessary for and during the exercise of those powers, limit or affect the powers of the council in respect of the road.

(5)

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(5) The board may, either directly or through the council, control the digging up of a State highway carriageway by any person not having statutory authority.

(6) The board may use the Country Main Roads Fund for the purposes of this section.

(7) The board may defray the whole cost of the construction or reconstruction of a carriageway of such width as the board thinks fit on a State highway; but may require a council to contribute a share not exceeding one-half of the cost of maintenance: Provided that where such State highway passes through an important street of a town the board may require the council to repay any portion not exceeding one-half of the cost of construction work done in such street.

(8) The board shall, until such time as the State highways have been constructed or reconstructed throughout their length, apply one-half or approximately one-half of the moneys of the Country Main Roads Fund to such construction or reconstruction, and to maintenance pending reconstruction, and thereafter such proportion as the board finds necessary;

(b) by omitting subsection one of section twenty-four and inserting the following new subsection in lieu thereof: Sec. 24.

(1) As a general rule, in respect of main roads other than State highways, the board and the council shall each bear one-half the cost of any work in which the board is able to assist. The board may accept voluntary offers from councils to contribute more than one-half, but shall not have power to require any council or group of councils to do so; and the board may, where circumstances justify it, grant assistance greater than one-half of the cost of a particular work, even to the whole. Degree of assistance.

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7. Part V of the Principal Act is further amended by inserting next after section twenty-seven the following new sections :—

Amendment of Act, 1924, No. 24. New ss. 27A and 27B.

27A. (1) For the purposes of this section Part III and Part V of this Act shall apply to irrigation areas.

Irrigation areas.

(2) A public road in an irrigation area may be declared to be a main road in accordance with section eight of this Act.

(3) A public road in an irrigation area may be declared to be a State highway in accordance with section 8A of this Act.

(4) The board may grant assistance to the Water Conservation and Irrigation Commission in respect of a main road or a State highway in an irrigation area as though such commission were a council, and as though such irrigation area were a shire; but such assistance shall be limited to a sum not exceeding the actual income of the Country Main Roads Fund derived from the proceeds of motor taxes, fees and fines within the irrigation area, or if it be impracticable to ascertain the actual amount of such income, such sum as the board may determine as a reasonable approximation thereto.

27B. (1) For the purposes of this section Part III and Part V of this Act shall apply to the Western Division.

Western Division.

(2) A public road in the Western Division which is not in a municipality may be declared to be a main road in accordance with section eight of this Act.

(3) A public road in the Western Division which is not in a municipality may be declared to be a State highway in accordance with section 8A of this Act.

(4) The board may provide funds for the construction or maintenance in the Western Division of a main road or a State highway which is not in a municipality, and may carry out the expenditure of such funds directly or through any other body, authority, or department of the State; but such expenditure

expenditure shall be limited to a sum not exceeding the actual income of the Country Main Roads Fund derived from the proceeds of motor taxes, fees, and fines collected outside the municipalities in that Division, or if it be impracticable to ascertain the actual amount of such income, such sum as the board may determine as a reasonable approximation thereto.

8. Part VI of the Principal Act is amended— Amendment of Act 1924; No. 24.

(a) by inserting immediately before section twenty-eight the following new section :— New s. 27c. Application of Part.

27c. This Part shall apply to the areas of municipalities and shires, to any irrigation area, and to the Western Division ;

(b) by omitting section twenty-eight and by inserting in lieu thereof the following new section :— Sec. 28.

28. Any public road which in the opinion of the board— Developmental roads.

(a) will serve to develop or further develop any district or part of a district ; or

(b) will serve to develop any area of Crown or private land by providing access to a railway station or a shipping wharf or to a road leading to a railway station or a shipping wharf

shall be a developmental road ;

(c) by omitting subsection five of section thirty. Sec. 30.

9. Part VII of the Principal Act is amended by inserting before subsection one of section thirty-two a new subsection one as follows, and by the consequential renumbering of the present subsections as subsections two, three, and four respectively. Ibid. s. 32.

32. (1) For the purpose of the construction, maintenance, and widening of State highways the board shall have all the powers of a council under the Local Government Act, 1919, and any other Acts conferring powers on a council. When board may do work itself.

10. Part VIII of the Principal Act is amended— Ibid. s. 44.

(a) by omitting from paragraph (a) of subsection one of section forty-four the words "the proclamation of a road as a main road or";

(b)



- (b) by omitting paragraph (c) of subsection one of the same section ;
- (c) by omitting from subsection six of the same section the word "thirty-one" and by inserting in lieu thereof the word "thirty-two";
- (d) by the insertion in subsection one of section Sec. 51. fifty-one of the following new paragraph :—
  - (i) the digging up of State highways ;
- (e) by adding at the end of section fifty-two the Sec. 52. following new subsection :—
  - (3) Subsection one of this section shall not apply to assistance granted or promised as aforesaid except in a case where the money or vote of Parliament from which the Minister proposes to grant the assistance has been transferred to the board.

**11.** Part VIII of the Principal Act is further amended by adding at the end thereof the following new sections :—

54. In any agreement made between the Minister and any council, and in any form of obligation entered into by any council, such agreement or obligation being made, signed, and sealed before the commencement of this Act, and being in relation to the repayment by the council of moneys provided by the Government for the improvement of country main roads or developmental roads, the board shall be substituted for the Minister, and shall have power to enforce the agreement in place of such Minister, and the moneys repaid by the council shall be paid into the appropriate fund under this Act.

55. Any notice or requisition or demand required by or under this Act to be served upon any council may be served either personally or by posting the notice by prepaid letter addressed to the town or shire clerk at the council's office.

56. (1) The board may establish and conduct, manage and regulate a ferry for the carriage of vehicles and passengers across the Hawkesbury River at such point as the board may determine.

(2)

Further amendment of Act 1924, No. 24, new ss. 54, 55, 56 and 57.

Old agreements transferred to board.

Service of notices.

Ferry across Hawkesbury River.

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(2) The board may charge fares and tolls for the use of such ferry.

(3) The board may lease the running of the ferry and the collection of fares and tolls by public tender on such terms as the board may decide.

(4) Ordinances may be made under the Local Government Act, 1919, on the recommendation of the board to regulate the running and use of the ferry, and the conduct of persons using it.

An ordinance may prohibit the use of the ferry by classes of traffic to be specified in the ordinance.

57. It shall be the duty of the mayor or president and of the clerk, engineer (or other proper servant where there is no engineer) and auditor of a council to furnish to the board on request, a true certificate as to the due expenditure of moneys provided by the board for construction or maintenance of a road, and section six hundred and thirty-four of the Local Government Act, 1919, shall, mutatis mutandis, apply in respect of such certificate. Certificates of expenditure.

**12.** The payment by the board from the Developmental Roads Fund of moneys due on account of grants allotted before the commencement of this Act from Commonwealth and State votes for roads of a developmental character but not proclaimed to be developmental roads is hereby validated. Validation of payments.

**13.** The debt owed by the Granville Municipal Council under an agreement made on the fifteenth January, one thousand nine hundred and twenty-five, between that council and the Minister for Local Government relating to the reconditioning of a portion of Parramatta-road shall be subject to the provisions of subsection one of section thirteen of the Main Roads Act, 1924, mutatis mutandis, as if such debt had been owing at the date of commencement of that Act. Granville adjustment.