

[CONFIDENTIAL.]

(Rough Draft for Consideration Only.)

No. , 1921.

A BILL

To provide for the better construction, maintenance, and financing of main roads; to constitute a Main Roads Board; to provide for the licensing of vehicles; to amend the Metropolitan Traffic Act, 1900, the Local Government Act, 1919, and certain other Acts; and for purposes consequent thereon or incidental thereto.

[MR. MUTCH;— 1921.]

BE 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:—

5

PART I.

PRELIMINARY.

Short title. **1.** This Act may be cited as the "Main Roads Act, 1921," and shall commence and come into force on a date to be fixed by the Governor by proclamation. 10

Division into Parts. **2.** This Act is divided into Parts as follows:—

PART I.—PRELIMINARY.

PART II.—MAIN ROADS BOARD.

PART III.—SELECTION OF MAIN ROADS.

PART IV.—MAIN ROAD LOANS. 15

PART V.—COUNTY OF CUMBERLAND—

DIVISION 1.—*Application of this Part.*

DIVISION 2.—*County of Cumberland Main Roads Fund.*

DIVISION 3.—*Vehicles and traffic.* 20

DIVISION 4.—*Metropolitan main road work.*

PART VI.—COUNTRY DISTRICTS—

DIVISION 1.—*Application of this Part.*

DIVISION 2.—*Country Main Roads Fund.*

DIVISION 3.—*Country main road works and 25 repayment.*

PART VII.—WORKS GENERALLY.

PART VIII.—MISCELLANEOUS.

Interpretation. **3.** In this Act, unless inconsistent with the context or subject-matter,— 30

"Area" means municipality or shire, and includes the city of Sydney.

"Board"

- “Board” means the Main Roads Board of New South Wales established under this Act.
- “Council” includes the Municipal Council of Sydney.
- 5 “Country main road” means a main road outside the county of Cumberland.
- “County of Cumberland” includes, in addition to the land within that county, the lands outside that county as described in Schedule One
- 10 hereto.
- “Construct” includes reconstruct.
- “Main road” includes a proposed main road or proposed deviation thereof.
- 15 “Maintenance” shall include all works of every description which are, in the opinion of the board, calculated to keep the carriage-way of any main road, and any drain draining such carriage-way, in the same state of usefulness as it was in at the time it was declared to be a main road, or in the same state of usefulness as it was in as the result of any permanent improvements which have been effected to it under the provisions of this Act.
- 20 “Metropolitan area” means the Sydney metropolitan area as described in Schedule Four of the Local Government Act, 1919.
- 25 “Metropolitan main road” means a main road in the county of Cumberland.
- “Permanent improvement” includes a new main road, a deviation or a widening of an existing main road, a work for the drainage of a main road, and all works of every description (exclusive of maintenance) which are in the opinion of the board calculated to increase the usefulness of or to embellish a main road, and includes drains for draining such a road.
- 30 “Public road” includes proposed public road or a proposed deviation.
- 35 “Treasurer” means the Colonial Treasurer.

Adaptation
of Acts—
application to
councils.

4. (1) This Act shall be read with the Local Government Act, 1919, and words used in this Act which are defined in that Act shall, unless inconsistent with the context or subject-matter of this Act, have the meanings there defined. 5

(2) In so far as this Act confers powers or imposes duties upon councils, such powers and duties shall apply in respect of each municipality or shire to the council thereof, and in respect of the city of Sydney shall apply to the municipal council of Sydney. 10

PART II.

MAIN ROADS BOARD.

Appointment
of board.
cf. Vic. C.R.
Act, 1915.

5. (1) There shall be a Main Roads Board, which shall consist of the Minister as president ex officio and two other members appointed under the Public Service Act, 1902, or any Act amending the same. 15

Term of
office.

(2) Each member of the board shall be appointed for a term of five years, and shall be eligible for reappointment.

Vacancies.
Ibid. s. 5.

(3) Any vacancy in the membership of the board may be filled by appointment of a member in like manner for the unexpired portion of his predecessor's term. 20

Salary.
cf. *Ibid.*
s. 7 (9).

(4) Each of the two members other than the President shall receive in each and every year the sum of pounds as and by way of recompense; and shall further be paid such necessary expenses and allowances as are payable for the time being to officers in the Public Service who are in receipt of corresponding salary. 25

Body
corporate.

6. (1) The board shall be a body corporate, with perpetual succession and a common seal, and may sue and be sued in its corporate name; and shall, for the purposes 30

purposes and subject to the provisions of this Act, be capable of purchasing, holding, granting, demising, disposing of, or otherwise dealing with real and personal property, and of doing and suffering all such other
5 acts and things as bodies corporate may by law do and suffer. The corporate name of the board shall be "The Main Roads Board of New South Wales."

(2) Any two members of the board shall be a
10 quorum, and, subject to the next following provision, shall have all the powers and authority by this Act conferred upon the board. Quorum.

(3) If at any meeting of the board, at which two
15 members only are present, such members differ in opinion upon any matter, the determination of such matter shall be postponed until all the members are present. Differences of opinion.

(4) No action or suit shall be brought or main-
20 tained against any person who is, or at any time has been, a member of the board for anything done or omitted by him pursuant to the duties imposed upon him by this Act, nor shall any action, suit, or other proceeding lie, nor any costs be payable in respect of any proceeding before the board. No action or suit against members of board. cf. Public Service Act, 1902, s. 7 (8).

(5) The board shall cause minutes of its decisions
25 to be kept upon the official papers, and cause minutes to be kept of the proceedings at formal meetings, and an annual report of its work and a statement of accounts to be prepared and presented to Parliament through the Minister. Minutes of meetings, &c.

(6) In case of the illness, suspension, or absence
30 of any member of the board, a deputy may be appointed under the Public Service Act, 1902, to act for such member during his illness, suspension, or absence; and every such deputy shall, during the time he acts as
35 deputy, have all the powers and authority of such member. Appointment of deputy.

7. (1) For the purposes of carrying out the powers,
40 duties, authorities, and obligations conferred or imposed upon the board by this or any other Act the board, with the approval of the Minister of the department concerned, may make use of the services of any of the officers and employees of the Public Service. Employment and appointment of officers and employees. cf. Vic. Country Roads Act, 1915, s. 14. (2)

Staff under
Public
Service Act,
1902.

(2) The staff of the board shall be appointed under and be subject to the provisions of the Public Service Act, 1902.

Power of
appointment.

(3) The board may appoint, employ, and dismiss such casual employees as it deems necessary for the purposes of this Act, and may fix wages and conditions of employment where these are not fixed in accordance with the provisions of other Statutes. 5

Division of
administra-
tive expenses.
cf. cl. 11 (3),
25 (3) post.

(4) The board shall apportion the salaries and expenses of the board and its staff, and any additional administrative expenses, in an equitable manner between, and charge the amounts so apportioned upon, the County of Cumberland Main Roads Fund and the Country Main Roads Fund, and the amount of such charges for salaries and expenses shall be carried to the Consolidated Revenue Fund to reimburse that fund for payments made therefrom. 10 15

Members and
staff eligible
for re-
appointment
to Public
Service.

cf. Country
Roads Act,
1914 (Vic.),
s. 4.

(5) Any member of the board or of its staff, who at the date of his appointment was or is an officer of the Public Service, shall, in the event of his office on or under the board being discontinued or in the event of the dissolution of the board, be eligible, on the recommendation of the Public Service Board, to be reappointed to some office in the Public Service corresponding in classification and salary to that which he held at the date of his appointment to or under the board. 20 25

PART III.

SELECTION OF MAIN ROADS.

Proclamation
of main roads.

8. (1) Subject to the provisions of this Act the Governor may, on the recommendation of the board, proclaim any public road to be a main road. 30

(2) In determining whether to recommend the proclamation of a metropolitan main road the board shall consider—

- (a) any representations made by the councils through whose areas the road passes (or will pass) or whose areas the road serves (or will serve); 35
- (b)

Main Roads.

- (b) the funds which are or will be available for the construction and for the regular maintenance of metropolitan main roads ;
- 5 (c) whether the road is or will be a main trunk route for radial traffic between the business centre of the metropolitan area and the surrounding suburbs in the county of Cumberland ;
- 10 (d) whether the road is or will be a main trunk route for circumferential traffic between one part of the said county and another ; and
- (e) whether the traffic along the road is mainly local, that is arising or terminating within the area in which the road is situated, or whether it is or will be mainly through traffic.
- 15 (3) In considering whether to recommend the proclamation of a country main road the board shall consider—
- 20 (a) any representations made by the councils through whose areas the road passes (or will pass) or whose areas the road serves (or will serve) ;
- (b) the funds which are or will be available for the construction and maintenance of country main roads ;
- 25 (c) whether the road is or will be the main trunk route connecting any large producing district with its market or point of shipment by water or by rail ;
- 30 (d) whether the road is or will be the main trunk route of intercommunication between two or more large producing districts, or between two or more large centres of population ;
- 35 (e) whether the road is or will be the main trunk route between the capital and any large producing district or any large centre of population ; and
- 40 (f) whether the road is or will be the main trunk route between the capitals of this and any other State.

(4)

(4) The Governor may, on the recommendation of the board, repeal any proclamation of a main road whether made under this or any other Act.

(5) Roads within the city of Sydney shall not be proclaimed to be main roads. 5

PART IV.

MAIN ROAD LOANS.

Loans for
country
roads.

9. (1) The Governor may, by the issue of debentures or stock (inscribed or funded) secured upon the Consolidated Revenue Fund, raise any sums of money not exceeding in the whole two million pounds, to be expended on the permanent improvement of country main roads, and not exceeding in the whole five hundred thousand pounds to be expended on the permanent improvement of metropolitan main roads. 10 15

Schedule
Two.

(2) The provisions of Schedule Two of this Act shall apply to the raising, accounting, expending and repaying of loans authorised by this Act.

Main Roads
Loan
Account.

(3) There shall be an account kept in the Treasury under the Audit Act, 1902, called the Main Roads Loan Account. 20

Use of
loan moneys.

(4) Notwithstanding the provisions of section thirty-five of the Audit Act, 1902, all moneys borrowed under this Act shall be paid to the Colonial Treasurer, and shall be by him carried to the Main Roads Loan Account, and paid to the respective Main Roads Funds, to be applied toward the permanent improvement of main roads, which service is hereby declared to be a "loan service" within the meaning of the said Act. 25

The Good
Roads Loan.

(5) In respect of moneys raised in the financial years 1920-21 and 1921-22, under the provisions of any duly authorised Loan Act, for expenditure on main roads within the county of Cumberland, the proceeds of which 30

which have been carried to the General Loan Account in terms of the Audit Act, such sums shall be transferred to the Main Roads Loan Account, and all sums expended in the financial years 1920-21 and 1921-22
5 upon the improvement of any roads in the county of Cumberland, which are proclaimed as main roads under this Act, shall be debited by the board to the County of Cumberland Main Roads Fund.

(6) The board shall each year pay to the Treasurer ^{Repayment} from each of the main road funds— _{of loans.}

(a) for credit of the Consolidated Revenue Fund such sum as the Treasurer shall require to meet the interest payable on the amount of loan moneys debited or paid to the respective
15 main road funds under this Act and not repaid; and

(b) for credit of the Main Roads Loan Account such sum as the Treasurer shall require to provide for the repayment within a term of
20 fifteen years (or such longer term as the Treasurer may approve) of the principal amount of such moneys.

PART V.

COUNTY OF CUMBERLAND.

25 DIVISION 1.—*Application of Part.*

10. (1) This Part shall apply to the county of Cum- ^{Application}berland as a separate unit; and to the city of Sydney _{of this Part.} and to those municipalities and shires of which any portion lies within the county of Cumberland.

30 (2) An area shall not be considered to be partly within the county of Cumberland solely because a portion of the width of a boundary road may be within that county.

DIVISION

DIVISION 2.—*County of Cumberland Main Roads Fund.*

County of
Cumberland
Main Roads
Fund.
Vide sub-
section 4 of
this section.

11. (1) There shall be a County of Cumberland Main Roads Fund, consisting of—

- (a) a sum to be paid by the Treasurer as hereinafter provided from the amount collected after the thirtieth day of June, one thousand nine hundred and twenty-two, as taxes, fees, and fines under the Motor Traffic Act, 1909, and the Motor Vehicle Taxation Act, 1916; 5
- (b) a sum to be paid by the Treasurer as hereinafter provided from the amount collected after the thirtieth day of June, one thousand nine hundred and twenty-two, under the Metropolitan Traffic Act, 1900; 10
- (c) a sum, not less than fifteen thousand pounds, to be appropriated by Parliament each year, commencing the first day of July, one thousand nine hundred and twenty-two, for county of Cumberland main roads endowment and to be paid to the fund; and such other moneys as the law may direct to be paid into the fund, or as may be voted by Parliament for the purpose; 15 20
- (d) loans raised under this Act for metropolitan main roads; 25
- (e) Such other revenues (if any) as the law may direct to be paid into the County of Cumberland Main Roads Fund, or as may be voted by Parliament for the purpose;
- (f) contributions by councils under this Part; and 30
- (g) moneys paid by councils from main roads betterment rates levied under this Part.

Govern-
ment's
financial
year.

Vide s. 17
post.

First advance
at inaugura-
tion of board.

(2) Within one month after the appointment of the board the Treasurer shall pay into the County of Cumberland Main Roads Fund the sum of ten thousand pounds as an advance on account of moneys which may subsequently become payable to that fund from the Consolidated Revenue Fund hereunder. 35

(3)

(3) The County of Cumberland Main Roads Fund may be used by the board for the permanent improvement and maintenance of main roads in the county of Cumberland, for the payment of expenses, interest, and principal in connection with loans, for a proportion of the salaries and expenses of the board and its staff, and of any additional administrative expenses, or the reimbursement of Consolidated Revenue for a proportion of any sums paid on account of such salaries and expenses, and generally for the purposes of this Part: Provided that loan moneys in that fund shall be used only for the permanent improvement of metropolitan main roads.

(4) After the thirtieth day of June, one thousand nine hundred and twenty-two, the proceeds of the taxes and fees under the Motor Traffic Act, 1909, and the Motor Vehicle Taxation Act, 1916, on vehicles owned by and licenses issued to persons resident in the said county, and the proceeds of penalties imposed in that county under those Acts, shall in the first place be paid into a special account in the Treasury: and after deducting a sum equal to ten per centum thereof for cost of collection (which shall be paid to Consolidated Revenue Fund), *one-half* of the remainder shall be paid by the Treasurer not less frequently than once in each three months into the County of Cumberland Main Roads Fund and the *other half* paid into the Country Main Roads Fund hereafter provided for.

12. (1) The board may in respect of each year, ending on the thirty-first day of December, serve a requisition upon each council whose area (or any part thereof) is situated in the said county, requiring it to pay a contribution to the County of Cumberland Main Roads Fund.

(2) The board may require the first contribution to be paid in the year in which the requisition is served or in the next year, as may seem to the board to be reasonable taking into consideration the date of the commencement of this Act. The requisition of the board for each succeeding year's contribution shall be served upon the councils towards the close of the year preceding that in which the contribution is to be paid.

(3)

Use of fund.

Motor taxation.

Vide cl. 25, 1 (b).
Levy upon county—
contribution by councils.

(3) The first year's contribution shall be due and payable at the expiration of a period to be stated in the requisition, and subsequent contributions shall be due and payable in the first half of the council's financial year: Provided that in either case the board may grant 5
to any council an extension of time for payment.

(4) The contribution under this section by each council whose area is wholly in the metropolitan area shall (subject to the proviso hereunder) be calculated at such an uniform rate in the pound upon the unimproved capital value of ratable land (or ratable property as the case may be) in their respective areas as the board may fix, but not in any case exceeding three-farthings in the pound on the said value: 10

Provided that the rate in the pound of the contribution 15
of the Municipal Council of Sydney shall be one-half of the rate in the pound of the contribution of the other councils in the metropolitan area.

Farming
land—lower
rate.

(5) The contribution under this section by each council in the county of Cumberland whose area is not 20
wholly within the metropolitan area shall be calculated at the same rate in the pound upon the unimproved capital value of ratable land in their respective areas as for councils in the metropolitan area: Provided that in the case of lands whose principal use for the time 25
being is for agriculture or grazing the council may reduce its levy upon the person ratable by one-half of such rate, and may make a corresponding reduction in the amount of the contribution payable to the board.

(6) Each council shall pay the contribution 30
accordingly; and in default the board may recover the contribution as a debt; and when recovered shall pay it into the County of Cumberland Main Roads Fund.

(7) Where at the commencement of this Act any council owes to the Treasurer any sum of money in 35
respect of the reconstruction of any main road in the said county, the Treasurer shall, upon payment of the instalments of interest and principal which fell due before the said commencement, write off any remaining
balance of the debt. 40

(8)

(8) The contribution of a council under this Act may be paid in the first place from the General (or City) Fund, and may be added to any rate levied for general purposes or may be levied by the council as a separate special or local rate upon all ratable lands or ratable property which are both within the area of the council and within the county of Cumberland. Where levied as a separate special or local rate it may be used to recoup the General (or City) Fund.

Contribution added to rates.

10 **13.** (1) Each council shall also levy (as an additional "local" rate under the Local Government Act, 1919) a main road betterment rate of one farthing in the pound on the unimproved capital value of all parcels of ratable land any portion of which is within the county of Cumberland and has frontage to a main road.

Betterment rate.

(2) The council shall pay the proceeds thereof to the board not less frequently than once in each three months.

15 (3) This section shall not apply to the city of Sydney.

14. The contribution of any council under this Act, and the addition which it is necessary for the council to make to the rates levied by it in order to make such contribution, and any betterment rate under this Act, shall not be taken into account in determining whether the rates levied by the council are within the limits fixed by any other Act.

Limit of rate extended.

DIVISION 3.—*Vehicles and traffic.*

30 **15.** (1) Section two hundred and seventy of the Local Government Act, 1919, is amended by the omission of subsections two, three, and four.

Extension of Metropolitan Traffic Act to County Cumberland.

(2) The Metropolitan Traffic Act, 1900, is amended by the omission of section two and the insertion of the following:—

35 2. The provisions of this Act shall apply to and be in force in the county of Cumberland and in such additional places as are added to that county for the purposes of Part V of the Main Roads Act, 1921.

16.

Amendment
of Metro-
politan
Traffic Act.

16. The Metropolitan Traffic Act, 1900, is amended as follows :—

(1) Section seven is amended by the omission of paragraph (1) and the insertion of the following :— 5

(1) impose any penalty not exceeding *twenty* pounds for any breach of any regulation made under this section.

(2) Section seven is amended by the addition of the following new paragraphs :— 10

(s) provide that all vehicles, or any specified class of vehicles (but not including public vehicles nor vehicles registered under the Motor Traffic Act, 1909), shall, on and after the day therein mentioned, be licensed; regulate the granting, renewing, transfer, suspension, cancelling, and return of such licenses; and prescribe the fees to be paid (according to the different classes of 20 vehicles) for the granting and renewing of such licenses;

(t) provide that all vehicles (but not including public vehicles nor vehicles registered under the Motor Traffic Act, 25 1909) shall, on and after the day therein mentioned, have numbers placed on such vehicles; and regulate the form of such numbers, and the manner of placing the numbers on such vehicles; and where 30 such numbers are on plates, regulate the issue and return of such plates.

(3) The Schedule is amended by adding thereto the following—

Omnibus propelled by mechanical power... £5 0 0 yearly. 35

Proceeds to
go to Main
Roads Fund.

17. After the thirtieth day of June, one thousand nine hundred and twenty-two, the proceeds of the fees charged for licenses of drivers and of vehicles (including public vehicles) issued under the Metropolitan Traffic Act, 1900, and the proceeds of penalties imposed under that 40 Act,

Act, shall be paid into a special account in the Treasury, and after deducting a sum equal to ten per centum thereof for cost of collection (which shall be paid to Consolidated Revenue Fund) the remainder shall be
5 paid by the Treasurer not less frequently than once in each three months into the County of Cumberland Main Roads Fund.

DIVISION 4.—*Metropolitan main road work.*

18. If it appears to the board desirable that a new
10 main road or a deviation from any existing main road should be made the board may cause such road or deviation to be made under this Act.

New roads—
deviations.
cf. Vic. C.R.
Act, 1915,
No. 2635, s. 19.

19. (1) The board may cause permanent improve-
ments to be made under this Act to any main road.

Permanent
improvements.
cf. *Ibid.* s. 22.

15 (2) The council shall carry out all permanent improvements to be made within its area: Provided that the Governor may, in any special case, direct that a permanent improvement be carried out by the board.

Ibid. s. 23.

20 (3) All such permanent improvements carried out by any council shall be carried out to the satisfaction of the board.

20. (1) The council shall to the extent of the funds
provided under this Part by the board maintain the
main roads within its area: Provided that the Governor
25 may, in any special case, direct the board to carry out works of maintenance upon a main road.

Maintenance.
cf. *Ibid.* s. 24.

(2) All maintenance carried out by any council shall be carried out to the satisfaction of the board.

21. (1) Before deciding upon any work upon a
30 road, the board shall consider the representations, if any, of the councils of the areas served or to be served by the road.

Negotiations
with councils.

35 (2) Where the board has decided that any work of permanent improvement or of maintenance is necessary, the board shall (except where otherwise authorised by the Governor) offer to place the carrying out of the work in the hands of the council, and to make an agreement with the council accordingly.

40 (3) Where an agreement is made the board shall pay the cost (or instalments thereof) from the County of Cumberland Main Roads Fund to the council in trust,
to

to be expended on the said works in accordance with the agreement: and the council shall account to the board therefor.

Boundary works.

22. (1) In any case where a main road lies within the county of Cumberland, and is the boundary between two areas which are partly or wholly within that county, the board may allot moneys and works hereunder in respect of the whole of the road to one council, or may divide the moneys and works between the councils in such manner as the board may consider best for the effective carrying out of the works. 5 10

(2) In any case where a main road lies on the boundary of the county of Cumberland such road shall, as between the board and the council of the outer area affected, and for the purpose of allocating the cost, be deemed to be a boundary work within the meaning of section five hundred and twenty-two of the Local Government Act, 1919, and for that purpose the word "council" shall include the board. 15

(3) In this section "outer area" means that area in which is situated the land which is not within the county of Cumberland, but has frontage to a main road on the boundary of that county. 20

Control of road.

Demarkation of responsibility between board and councils.

23. Subject to this Act, and as between the board and the council in whose area a metropolitan main road is situated, the board's responsibility shall be for the financing, planning, and supervising of the permanent improvement and maintenance of the metropolitan main roads, and the council shall be responsible for the construction, maintenance, and general control of the road in all other respects. 25 30

Validation.

Validation.

24. The action of the Minister for Public Works in entering upon various roads in the county of Cumberland, in carrying out works for the improvement thereof without the approval of certain councils and without complying with the provisions of the Public Works Act, 1912, and in altering the levels of such roads, shall be and be deemed to have been valid and in accordance with law. 35 40

PART

PART VI.

COUNTRY DISTRICTS.

DIVISION 1.—*Application of this Part.*

25. This Part shall apply to all municipalities and 5 shires in respect of areas which are wholly or partly outside the county of Cumberland, and shall so apply in respect of the whole area or of the part, as the case may be.

Application of this Part.

DIVISION 2.—*Country Main Roads Fund.*

10 **26.** (1) There shall be a Country Main Roads Fund, consisting of—

Country Main Roads Fund. of Vic. C.R. Act, 1915, s. 38.

15 (a) a sum to be paid by the Treasurer, as elsewhere in this Act provided, from the amount collected after the thirtieth day of June, one thousand nine hundred and twenty-two, as taxes, fees, and fines under the Motor Traffic Act, 1909, and the Motor Vehicle Taxation Act, 1916;

Vide cl. 11 (4), and 26 (4).

20 (b) a sum, not less than one hundred and fifty thousand pounds, to be appropriated by Parliament each year, commencing the first day of July, one thousand nine hundred and twenty-two, for country main roads endowment and to be paid to the fund;

25 (c) loans raised under this Act for country main roads;

(d) such other revenues (if any) as the law may direct to be paid into the Country Main Roads Fund or as may be voted by Parliament for the purpose;

30 (e) contributions by councils under this Part.

(2) Within one month after the appointment of the board the Treasurer shall pay into the Country Main Roads Fund the sum of ten thousand pounds as an advance on account of moneys which may subsequently become payable to that fund from Consolidated Revenue Fund hereunder.

35 (3) The Country Main Roads Fund may be used by the board for the permanent improvement, and in special cases for the maintenance, of country main roads, for the payment of expenses, interest and principal

principal in connection with loans, for a proportion of the salaries and expenses of the board and its staff, and of any additional administrative expenses, or the reimbursement of Consolidated Revenue for a proportion of any sums paid on account of such salaries and expenses, and generally for the purposes of this Part :
 Provided that loan moneys in that fund shall be used only for the permanent improvement of country main roads. 5

See also
 cl. 11 (4) re
 share of
 metropolitan
 motor
 taxation
 payable to
 Country
 M.R. Fund.

(4) After the thirtieth day of June, one thousand nine hundred and twenty-two, the proceeds of the taxes and fees under the Motor Traffic Act, 1909, and the Motor Taxation Act, 1916, on vehicles owned by and licenses issued to persons not resident in the county of Cumberland, and the proceeds of penalties imposed outside that county under those Acts, shall in the first place be paid into a special account in the Treasury : and, after deducting a sum equal to ten per centum thereof for cost of collection (which shall be paid to Consolidated Revenue Fund), the whole of the remainder shall be paid by the Treasurer not less frequently than once in each three months into the Country Main Roads Fund. 10 15 20

DIVISION 3.—*Country main road works and repayment.*

New roads—
 Deviations.
 cf. Vic. C.R. Act,
 1915, No. 2636,
 s. 19.

27. If it appears to the board desirable that a new main road or a deviation from any existing main road should be made, the board may cause such road or deviation to be made under this Act. 25

Permanent
 improvements.
Ibid. s. 22.
Ibid. s. 23.

28. (1) The board may cause permanent improvements to be made under this Act to any main road. 30

(2) The council shall carry out all permanent improvements to be made within its area : Provided that the Governor may, in any special case, direct that a permanent improvement be carried out by the board.

(3) All such permanent improvements carried out by any council shall be carried out to the satisfaction of the board. 35

Maintenance.
 cf. *Ibid.* s. 24.

29. (1) As between the board and the council it shall be the function of the council to maintain the main roads within its area : Provided that the Governor may, in any special case, direct the board to carry out works of maintenance upon a main road. 40
 (2)

256

(2) All maintenance carried out by any council shall, if paid for in whole or in part by the board, be carried out to the satisfaction of the board.

5 **30.** (1) Each council through whose area any Grants to country main road passes shall, at such time each year councils. as the board may require, furnish to it—

10 (a) a detailed report by the council's engineer (or other proper servant where there is no engineer) as to the condition of each main road, as to the works of permanent improvement and of maintenance which are necessary thereon, and the relative urgency of such works, together with any necessary plans and specifications, and an estimate of the cost of each such work;

15 (b) the views of the council on such report, particularly as to what works are needed, and their relative order of urgency; and

20 (c) a formal application for such assistance (if any) as the council deems necessary: and a statement of what amount (if any) the council will undertake to contribute toward the cost of each work.

25 (2) The board may, having regard to the funds available, decide whether any and how much assistance shall be granted to each council, the works to which it shall be allotted, and the conditions to be attached to such assistance.

30 (3) Every council receiving assistance under this Part shall carry out the conditions attached thereto.

35 (4) Assistance shall not be granted to any council for permanent improvements unless it is prepared either to contribute or to repay at least *one-half* of the cost of the work (or, in the case of works carried out from loan money borrowed by the Treasurer for country main roads, to repay at least *one-half* of the cost thereof and interest). Vide Vic. C.R. Act, 1915, No. 2635, ss. 27, 34, 35, 36, providing for repayment of half cost.

40 (5) Assistance shall not be granted to any council for maintenance unless it is prepared either to contribute or to repay three-fourths of the cost of the work. (6)

(6) Provided that, in exceptional cases, the Governor may authorise the board to accept an arrangement for a contribution or repayment of less than the proportion hereinbefore provided.

Councils' repayments by arrangement.

cf. C.R. Act, 1915, s. 34—term equal to 31 years approximately.

31. (1) Where permanent improvements are constructed under an arrangement for repayment of a share of the cost the council shall make the repayment by yearly or half-yearly instalments, as fixed by the board, so arranged as to discharge the interest (if any) and complete the repayment of the principal within a period to be fixed by the board, having regard to the probable life of the work, or by such other method as may be agreed to by the board and the council. 5

cf. *Ibid.* s. 35.

(2) Where maintenance is carried out under an arrangement for repayment of a share of the cost the council shall make the repayment in one sum in the year in which it receives the money or the following year as the board may agree. 15

Boundary works.

32. (1) In any case where a main road is the boundary between two areas the board may allot moneys and works hereunder in respect of the whole of the road to one council, or may divide the moneys and works between the councils in such manner as it may consider best for the effective carrying out of the works, and without regard to the subsequent apportionment of the cost. 20

(2) In any such case the joint share of the councils in the cost of the works shall be apportioned between them in such manner as the councils may agree or, in default of agreement within three months after request made by the board, in such manner as the board, after affording both councils an opportunity to be heard, may decide. 30

Demarkation of responsibility between board and councils.

33. Subject to this Act, and as between the board and the council in whose area a main road is situated, the board's responsibility shall be for the planning and supervising, and the allotting of financial assistance for the permanent improvement and maintenance of the country main roads, and the council shall be responsible for the construction, maintenance, and general control of the road in all other respects. 40

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PART VII.

WORKS GENERALLY.

34. (1) Where agreement cannot be made between the board and any council, or in any special case (of which the Governor shall be the judge), the Governor may authorise and direct the board to carry out works in connection with main roads: and thereupon the board shall for that purpose 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.

(2) In any such case the board shall give notice to the council of its intention to carry out the work.

(3) The board shall give notice to the council of the completion of the work, and thereupon the work shall be under the care and control of the council.

35. Works of permanent improvement or of maintenance under this Act, in respect of main roads, may include any works which it would be within the power of a council to construct or maintain; but shall, as a general rule, be limited to works for the improvement of the carriage-way of the road, or works (whether on or off the road) provided for its drainage.

What works may be carried out.

36. (1) The board may cause standard plans and specifications to be prepared for main road construction and maintenance, and may require that works under this Act be designed and executed in accordance therewith, or in accordance with special plans and specifications prepared for a particular work.

Plans and specifications.

(2) The board may adopt, or amend and adopt, any plans, sections, and specifications submitted by a council or prepared under the board's directions in respect of any proposed works.

37. The board's decision whether any proposed work is a permanent improvement or maintenance work shall be final.

"Permanent improvement" or "maintenance"—decision as to.

38. When any works have been carried out under this Act by any council to the satisfaction of the board, the board may pay to the council such commission as the board thinks fit, not exceeding five pounds per centum

Commission for supervision, cf. Vic. Country Roads Amending Act, No. 2944 of 1918, s. 17.

of

of the cost in the case of works of permanent improvement or two pounds ten shillings per centum in the case of works of maintenance: and the council shall apply such commission in and towards the further remuneration of any of its servants for services in connection with the works and in and towards recouping the council for any expenses of the council incidental to the carrying out of the works. 5

Borrowing
procedure.

39. An arrangement or debt of a council under this Act in respect of the expenditure of loan money shall not be subject to the provisions of the Local Government Act, 1919, relating to the procedure required to be observed by a council in connection with borrowing: and it shall not be compulsory upon the council to levy a loan rate in respect thereof. 10 15

General powers of board.

Board given
powers of
council.

40. (1) Subject to this Act the board may, in respect of a main road, exercise the powers given by any Act to a council in respect of public roads.

Sign-posts.

(2) The board shall, as soon as may be practicable, mark each main road by the erection of sign-posts at convenient places along its length and at the boundary of each area. Section two hundred and fifty-four of the Local Government Act, 1919, is hereby repealed. 20

Repeal of s. 254
of L.G. Act, 1919.

Land near
main roads.

(3) Where the board proposes to open a new main road or to widen or construct other permanent improvements on a main road it may purchase or resume land in the neighbourhood of the road, hold, replan, subdivide, and lease or resell, any or all of the land, and may open new public roads therein for the purposes of such replanning or subdivision; and may use the appropriate main roads fund therefor. 25 30

Main road
grants.

41. Where, at the commencement of this Act, any council has received a grant of Government moneys for use upon main roads and has not expended such moneys in accordance with the terms of the grant, the council shall duly account to the board for the expenditure of such moneys and the carrying out of the terms and conditions of the grants; and the board may vary such terms and conditions; or in case of default or non-compliance may require the council to refund the whole 35 40

or

or portion of the grant, and any money so refunded shall be paid to the appropriate main roads fund according to whether the work for which it was granted is within or outside the county of Cumberland. Any
5 sum so required to be refunded may be recovered by the board as a debt.

42. The board may at the request of a council carry out works on any public road other than a main road, subject to the council paying the cost thereof. Power to build minor roads.

10 *Control of main roads.*

43. (1) The council shall not, except in accordance with a particular or general approval of the board, grant to any person permission to place, construct, excavate, lay, or erect any room, cellar, light well, passage, tunnel,
15 pipe, wire, rails, bridge, or other thing whatsoever in any main road, or anything whatsoever to connect buildings on opposite sides of the road. Digging up roads. cf. s. 233 (6) of L.G. Act, 1919.

(2) Where any person desires to connect premises with water, sewerage, electricity, or any works the board
20 may refuse approval to make such connection across or in a main road if it be reasonably practicable to secure a serviceable connection otherwise.

(3) Any person who causes damage or injury to a main road other than the fair wear and tear due to
25 ordinary and reasonable user of the road, whether such person be acting under permission or not, shall pay the cost incurred by the board in making good such damage or injury, or, if the board so require, himself make good such damage or injury to the satisfaction of the board.

(4) Without the approval of the board the council shall not grant to any person permission or
30 authorise any of its servants to remove or interfere with any tree, or to remove or interfere with any works or structures existing on main roads. Trees on roads.

44. A deviation or alteration of a main road shall not be made by any statutory body or any person acting under the authority of any statute or any department of the Government unless and until the location plans and specifications of such deviation or alteration have been
35 approved by the board. Deviations of main roads by statutory bodies.

PART VIII.

MISCELLANEOUS.

Purchase of
plant.
cf. Vic. C.R.
Act, 1915,
s. 15 (3).

45. (1) The board may use both or either of the main roads funds for the lease, hire, or purchase of plant and materials, that is to say, road-making machinery, tools, implements, and materials needed for the purposes of this Act. 5

(2) The board may lease, hire, or sell plant and materials, or may use them for the purposes of this Act.

(3) Moneys received for the lease, hire, or sale of plant and materials shall be paid into the fund from which the purchase money of the plant was paid or, if the board find it more convenient, may be apportioned between the funds on the basis of the respective amounts provided from each fund for purchase of plant. 10 15

Duty of
councils to
supply infor-
mation.
cf. *Ibid.* s. 16.

46. (1) The board may call upon any council for any information needed for the purpose of carrying out the provisions of this Act.

(2) Any council so called upon shall supply the information within one month from the receipt of the request. 20

Enforcement
of Act—
Penalty.

47. In default of due compliance with the provisions of this Act a council shall be liable to a penalty not exceeding *fifty* pounds, and to a continuing penalty not exceeding *two* pounds for each day on which such default continues, and such penalty may be recovered by the board, and when recovered shall be paid into the appropriate main roads fund. 25

Recovery of
debts.

48. Any moneys due by a council under this Act may be recovered by the board as a debt. 30

Surveys and
investiga-
tions.
cf. Vic. C.R.
Act, 1915,
s. 15.

49. For the purposes of this Act the board may—

(1) carry out all such surveys and investigations as

may be necessary or expedient to ascertain—

(a) what roads shall be main roads ;

(b) the nature and extent of the resources of New South Wales in materials suitable for the purposes of road making and maintenance, and the most effective and economical methods for dealing with them, and for supplying or utilizing them on main roads ; 35 40

(c)

- (c) the most effective methods of road construction and maintenance for main roads ;
- 5 (d) the methods of road finance, construction, maintenance, and control of other countries ; and
- 10 (e) what deviations (if any) in existing main roads or what new main roads should in its opinion be made so as to facilitate communication and improve the conditions of traffic ;
- (2) publish for general information the results of such surveys and investigations ; and
- 15 (3) co-operate with and assist councils in or carry out works which though not upon main roads are directly or indirectly for the benefit of main roads.

50. (1) The Governor may on the application of the board resume land under the Public Works Act, 1912, ^{Various powers.} for the purposes of this Act, and may vest the whole or part of such land in the board or proclaim the whole or part to be a public road or public reserve, and place it under the control of the council, as the board may recommend.

25 (2) The board may lease, cause to be resumed, or purchase land, provide buildings, appliances, quarries, gravel pits, and works for the manufacture, storage, and treatment of materials and appliances for the purposes of this Act, and may sell materials and appliances

30 which may be produced in excess of the board's requirements or which the board may deem it advisable to sell.

51. The board may enter into contracts and do all other acts which may be necessary or advisable for the

35 purposes of this Act.

52. (1) Ordinances may be made under the Local ^{Ordinances.} Government Act, 1919, but subject to the Metropolitan Traffic Act, 1900, for carrying this Act into effect, and in particular for and with respect to—

- 40 (a) the preservation of trees and vegetation on main roads ;

-
- (b) the prevention of damage to main roads;
 - (c) the prevention of the doing of things likely to injure main roads;
 - (d) the regulation of the weight of vehicles and their loads or of the use of vehicles likely to injure main roads; 5
 - (e) the weighing of vehicles and loads, the estimation of weight according to a prescribed scale for various classes of goods, the requiring of vehicles and loads to be taken to a public weighbridge for weighing; and the marking of weight on the vehicles; and 10
 - (f) the restriction of traffic or of certain classes of traffic when necessary to protect main roads from injury. 15

(2) The provisions of sections five hundred and seventy-five to five hundred and seventy-nine of the Local Government Act, 1919, both inclusive, shall *mutatis mutandis* apply to ordinances made as aforesaid.

SCHEDULES.

20

SCHEDULE ONE.

LANDS DEEMED TO BE INCLUDED IN THE COUNTY OF CUMBERLAND FOR THE PURPOSES OF THIS ACT.

A.—Lands in Bulli Shire.

ALL that piece or parcel of land within Bulli shire, being parts of 25
 portion 20, parish of Wonona, and portion 39, parish of Southend,
 counties of Cumberland and Camden, and the whole of portion 23,
 parish of Wonona, county of Camden, and State of New South Wales:
 Commencing on the south-western boundary of the county of Cumber-
 land at its intersection with the eastern boundary of portion 20, parish 30
 of Wonona, and bounded thence by that boundary and part of the
 southern boundary of that portion southerly and westerly to the north-
 eastern corner of portion 23; thence by the eastern, southern, and
 western

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western boundaries of that portion southerly, westerly, and northerly to the south-western corner of portion 20 aforesaid; thence by the north-western boundary of that portion and its prolongation north-easterly to the south-western boundary of the county of Cumberland 5 aforesaid; and thence by that boundary of that county south-easterly to the point of commencement, and having an area of 302 acres or thereabouts.

B.—Lands in Municipality of Camden.

All that area or tract of land being the whole of that part of the 10 municipality of Camden, within the parish of Camden, county of Camden, and State of New South Wales, and having an area of 9½ square miles or thereabouts.

C.—Lands in Wollondilly Shire.

All that area or tract of land being part of the Wollondilly shire in 15 the parishes of Camden and Picton, county of Camden, and State of New South Wales: Commencing on the left bank of the Nepean River at its junction with the right bank of Mount Hunter Rivulet and bounded thence by that bank of that rivulet and Mount Hunter Creek upwards to the western boundary of portion 11, parish of Camden; 20 thence by the western boundaries of that portion, portion 10, in the same parish, and portion 100, parish of Picton, and their prolongation southerly to the north-eastern boundary of portion 98; thence by that boundary and the north-western, western, and south-western boundaries of that portion north-westerly, south-westerly, southerly, and south- 25 easterly to Crawford's Creek; thence by that creek upwards to the western boundary of portion 137, parish of Picton; thence by that boundary of that portion southerly to Racecourse Creek; thence by that creek upwards to the north-eastern corner of portion 146; thence by part of the eastern boundary of that portion southerly to the north- 30 western corner of portion 134; thence by the northern boundaries of that portion and portions 14 and 15 easterly to the western boundary of portion 9, parish of Camden; thence by part of that boundary of that portion and the western boundary of portion 5 northerly to the south-western corner of portion 4; thence by the southern and part of 35 the eastern boundary of that portion easterly and northerly to the southern boundary of the municipality of Camden; thence by southern and western boundaries of that municipality generally westerly and northerly to the left bank of the Nepean River aforesaid; thence by that bank of that river downwards to the point of commencement, and 40 having an area of 28½ square miles or thereabouts.

SCHEDULE TWO.

LOANS.

Provisions applying to loans under this Act.

- Stock may be sold in London or Sydney. (1) The loans authorised under this Act may be negotiated wholly or in part in the form of debentures or stock in New South Wales or in London at such times and for such amounts and for such periods as may be directed by the Governor. 5
- Creation of stock. (2) Any stock issued in New South Wales under this Act shall be styled "New South Wales Funded Stock," and shall, if sold otherwise than by tender, be purchasable at the Treasury upon any lawful day. 10
- Application of Funded Stock Act, 1892, to stock sold in New South Wales. (3) The provisions of the Funded Stock Act of 1892, relating to the method of inscription and transfer of stock, and the regulations under the Inscribed Stock (Issue and Renewals) Act, 1912, and the forms prescribed in the said regulations, are hereby declared to be applicable to, and shall be followed and used, *mutatis mutandis*, in connection with stock issued within New South Wales under this Act. 15
- Regulations in respect of stock sold in London. (4) In respect of any stock issued in London under the provisions of this Act, the Governor may make regulations, not being inconsistent with the provisions of the Inscribed Stock Act, 1902, for carrying this Act into effect; and such regulations shall be published in the Gazette and laid before Parliament within fourteen days of the publication thereof, if Parliament be then sitting, and if Parliament be not sitting, then within fourteen days of the commencement of the next session thereof. 20
- Issue of Treasury Bills and currency. (5) Pending the issue of debentures or stock under the authority of this Act, the Governor may, by the issue of Treasury Bills secured upon the Consolidated Revenue Fund, raise such sums of money not exceeding in the whole the amount of moneys authorised to be raised under this Act. Such Treasury Bills shall have such currency, not exceeding five years, as the Governor may direct. 30
- Charging of principal moneys and interest. (6) The principal moneys for which such Treasury Bills may be made out shall be chargeable on and payable out of the Main Roads Loan Account on the maturing of such bills. The interest on such Treasury Bills shall be chargeable on and payable out of the Consolidated Revenue Fund. 35
- Application of provisions of Treasury Bills Act, 1902. (7) The provisions of the Treasury Bills Act, 1902, relating to the making out, signing, numbering, dating, and to the amounts of the Treasury Bills authorised by that Act to be issued, and to the cancellation of defaced Treasury Bills, and the issue of new bills in lieu of such bills, and also of such bills as are lost, burned, or otherwise destroyed, and to the cancellation of discharged bills, shall apply to Treasury Bills issued under this Act. 40
- Power to trustees and others to invest in debentures or stock. (8) Debentures, stock, or Treasury Bills sold or issued under this Act are hereby declared to be for all purposes Government securities; and all corporations and other persons whatsoever shall have power to invest in the purchase of such debentures, stock, and Treasury Bills any property 45

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property held by them, whether as trustees or otherwise, which they are not expressly forbidden to invest in Government stock or securities, without on that account being liable for a breach of trust and without incurring any liability whatsoever, provided that such investment is in
5 other respects reasonable and proper.

(9) Section thirty-six of the Audit Act, 1902, shall not apply to an appropriation or balance of an appropriation made by this Act. Application of s. 36 of Audit Act, 1902.

(10) Section fifty-seven of the Audit Act, 1902, is amended by the addition of the following paragraph :— Amendment of s. 57.

10 (f) A detailed statement of the receipts and expenditure of the Main Roads Loan Account.

(11) Subsection one of section fifty-eight of the same Act is amended by the addition of the following paragraph :— Amendment of s. 58.

15 (g) A detailed statement of the receipts and expenditure for such year of the Main Roads Loan Account.