

No. , 1919.

A BILL

To make better provision for the construction and maintenance of main roads; for the establishment of funds for those purposes; for the borrowing of money for the construction of main roads; for the amendment of the laws relating to local government; for the amendment of the Audit Act, 1902, and certain other Acts; and for purposes consequent thereon or incidental thereto.

[MR. JAMES;—9 *October*, 1919.]

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:—

1. (1) This Act may be cited as the "Local Government (Main Roads) Act, 1919."

(2) This Act shall commence and come into operation on the first day of July, one thousand nine hundred and twenty.

Construed
with L.G.
Act.

2. (1) This Act shall be read with the Local Government Act, 1919, and expressions used in this Act which are defined in that Act shall have the meaning there defined. 5

(2) In sections inserted by this Act in the Local Government Act, 1919, the expression "this Act" shall mean "The Local Government Act, 1919." 10

Loans for
country
roads.

3. (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 construction or reconstruction of country main roads, and not exceeding in the whole five hundred thousand pounds to be expended on the construction or reconstruction of metropolitan main roads. 15

Stock may
be sold in
London or
Sydney.

(2) The loans so authorised as aforesaid 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. 20

Creation of
stock.

(3) 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. 25

Application of
Funded Stock
Act, 1892, to
stock sold in
New South
Wales.

(4) 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. 30 35

Regulations
in respect of
stock sold in
London.

(5) 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 40

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.

(6) 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 10 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.

Issue of
Treasury
Bills and
currency.

(7) 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.

Charging of
principal
moneys and
interest.

(8) 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 25 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.

Application
of provisions
of Treasury
Bills Act,
1902.

(9) 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 held by them, whether as trustees or otherwise, which they are not expressly forbidden to 35 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 other respects reasonable and proper.

Power to
trustees and
others to
invest in
debentures or
stock.

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

(11)

(11) Notwithstanding the provisions of section thirty-five of the Audit Act, 1902, all moneys borrowed under this section shall be paid to the Colonial Treasurer, and shall be by him carried to the Main Roads Loan Account, and shall be applied towards the construction or reconstruction of main roads, which service is hereby declared to be a "loan service" within the meaning of the said Act. 5

Application
of section 36
of Audit Act,
1902.

(12) Section thirty-six of the Audit Act, 1902, shall not apply to an appropriation or balance of an appropriation made by this Act. 10

Amendment
of s. 57.

(13) Section fifty-seven of the Audit Act, 1902, is amended by the addition of the following paragraph:—

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

Amendment
of s. 58.

(14) Subsection one of section fifty-eight of the same Act is amended by the addition of the following paragraph:— 20

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

(15) It is hereby directed that, of the moneys authorised to be raised under this section in respect of country main roads, not more than four hundred thousand pounds shall be expended on country main roads in any one year. 25

Amendment
of L.G. Act.

4. The Local Government Act, 1919, is amended by the addition of the following new Part thereto:— 30

PART XXXII.

MAIN ROADS.

DIVISION 1.—*Application and interpretation.*

Application
of this Part.

659. (1) Subject to the provisions of this Act—

(a) this Part shall apply to municipalities and shires; and 35

(b) the powers and duties conferred and imposed upon a council under this Part shall apply in respect of each area to the council of the area. 40

(2)

(2) In this Part, unless inconsistent with the context or subject-matter,— Interpreta-
tion.

“Construction” includes provision and also includes reconstruction.

5 “Country main road” means a main road not in the Sydney metropolitan area.

“Main road” means any road proclaimed before the commencement of this Act or proclaimed under this Part to be a main road, the pro-
10 clamations of which has not been repealed.

“Metropolitan main road” means a main road in the Sydney metropolitan area.

“Public road” includes proposed public road or a proposed deviation thereof.

15 “Sydney metropolitan area” means the area described in Schedule Four to this Act.

DIVISION 2.—*Country main roads.*

660. The provisions of this Division shall not apply to roads in the Sydney metropolitan area. Exclusion of
metropolitan
area.

20 661. (1) A council may apply to the Minister to recommend that a public road be proclaimed to be a main road. Application
by council for
main road.

(2) With every such application the council shall submit such plans, sections, and specifications as the Minister may require, showing the works
25 (either of construction or of maintenance, or of both) necessary and proposed by the council, their estimated cost, and the council's proposed contribution thereto.

30 662. (1) The Governor may on the recommendation of the Minister proclaim any public road to be a main road. Proclamation
of main roads.
cf. Vic.
C.R. Act,
1915, s. 18.

(2) In considering whether to recommend the proclamation of a main road the Minister shall
35 take into account—

(a) the funds available for the construction and permanent maintenance of main roads;

(b) whether the road is or will be the main trunk route connecting any large producing district with its market or point of shipment
40 by water or by rail;

(c)

- (c) 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; 5
- (d) 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
- (e) whether the road is or will be the main trunk route between the capitals of this and any other State. 10

Repeal of
proclamation
of main roads.
cf. Vic. C.R.
Act, 1915.

Country
Main Roads
Account.
cf. Vic. C.R.
Act, 1915,
s. 38.

(3) The Governor may on the recommendation of the Minister repeal any proclamation of a main road, whether made under this Act or under any repealed Act. 15

663. (1) A special account shall be kept in the Special Deposits Account in the Treasury to be called the "Country Main Roads Account," and there shall be credited to such account moneys consisting of— 20

- (a) a sum not less than one hundred and seventy thousand pounds to be appropriated by Parliament each year for main roads endowment; 25
- (b) a sum to be paid from Consolidated Revenue Fund equal to four-fifths of the revenue collected after the thirtieth day of June, one thousand nine hundred and twenty, as taxes, fees, and fines under the Motor Traffic Act, 1909, and the Motor Vehicle Taxation Act, 1916, less the cost of collection; 30
- (c) the revenue collected under this or any other Act in respect of the licensing of traction engines; 35
- (d) such other revenues as the law may direct to be paid into the Country Main Roads Account or as may be voted by Parliament for the purpose;
- (e) contributions by councils under this Part. 40

(2)

(2) The Country Main Roads Account shall be debited with the following:—

- 5 (a) an instalment of repayment of loan moneys expended upon the construction of country main roads, so calculated as to extinguish the amount within a period not less than twenty and not exceeding fifty years; and such instalment shall be paid by the Treasurer to the State Debt Commissioners, to be applied in redemption of loans raised for the construction of country main roads; and
- 10 (b) interest at a rate to be fixed by the Treasurer equal or approximately equal to the rate of interest paid by the Treasurer on moneys raised for expenditure on construction of country main roads: and moneys so debited shall be carried by the Treasurer to the Consolidated Revenue Fund.
- 15

(3) Subject to this Act, the remainder of the funds available may be used under the authority of the Minister for the construction of works on main roads, and for the maintenance of works constructed thereon.

20

664. (1) Each council through whose area any main road passes shall, at such time each year as the Minister may require, furnish to him—

25

- (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 construction and 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;
- 30
- (b) the views of the council on such report, particularly as to what works are needed and their relative order of urgency; and
- 35
- (c) a formal application for such assistance (if any) as the council deems necessary: and a statement of what amount the council will undertake to contribute toward the cost of each work.
- 40

(2)

(2) The Minister 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. 5

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

(4) Assistance shall not be granted to any council unless it is prepared to contribute 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 the construction of country main roads, to repay at least one-half of the cost thereof and interest). 10 15

Loan
moneys—
councils'
repayments.

665. (1) Where works are constructed under this Part out of loan money as aforesaid, the council shall repay one-half thereof (or such greater share as the council may have agreed) together with interest thereon. 20

(2) The repayment shall be made by yearly or half-yearly instalments as fixed by the Minister, so arranged as to discharge the interest and complete the repayment of the principal within a period to be fixed by the Minister, not exceeding twenty years. 25

Plans and
specifications.

(3) An arrangement or debt of a council under this Part in respect of the expenditure of loan money as aforesaid shall not be subject to the other provisions of this Act as to the procedure required to be observed by a council before borrowing; and it shall not be compulsory upon the council to levy a loan rate in respect thereof. 30

666. (1) The Minister may cause standard plans and specifications to be prepared for main road construction and maintenance, and may require that works under this Part be designed and executed in accordance therewith. 35

(2) The Minister may adopt, or amend and adopt, any plans, sections, and specifications submitted by a council or prepared under the Minister's directions in respect of any proposed works. 40

The carrying
out of works.

667. (1) Subject to this Act, works under this Part shall be carried out by the councils. (2)

(2) The Minister may, on the satisfactory completion of any work under this Part, pay a fee through the council to its engineer for satisfactory supervision of the work.

5 668. (1) Where the Minister considers that the maintenance of any works upon a main road is being neglected, he may cause notice to be served requiring the council to carry out within a reasonable time stated in the notice such works of
10 maintenance as may be specified in the notice.

Neglect or
default of
councils.

(2) Where the Minister considers that works which are being carried out upon a main road do not comply with the requirements or conditions laid down by or under this Part, he may cause
15 notice to be served on the council requiring it to comply within a reasonable time stated in the notice with such requirements and conditions.

(3) Where the Minister considers that it is necessary that certain work should be carried out upon a main road, he may cause notice to be served
20 requiring the council to carry out such work within a reasonable time stated in the notice.

(4) Where a council makes default in compliance with any notice served under this section, the Minister may carry out the work at the expense of the council, but subject to any conditions which may have been laid down with respect to the division of the cost, or, if conditions have not been
25 laid down, then subject to the cost being divided equally between the Minister and the council in any manner provided for in this Part.

(5) Any moneys due by a council under this section may be recovered by the Minister as a debt.

35 (6) Where the Minister carries out any work under this Part, he shall for that purpose have all the powers of the council under this and any other statute, and the Acts mentioned in Schedule One shall apply, and the Minister shall have the powers
40 conferred by those Acts upon the Commissioner for Roads.

DIVISION

DIVISION 3.—Main roads in Sydney metropolitan area.

Application
of this
Division.

669. (1) This Division shall apply to the Sydney metropolitan area.

(2) For the purposes of this Division "area" 5 includes the city of Sydney, and "council" includes the Municipal Council of Sydney.

Proclamation
of main roads.

670. (1) Subject to the provisions of this Act the Governor may, on the recommendation of the Minister, proclaim any public road to be a main 10 road.

(2) In considering whether to recommend the proclamation of a main road the Minister shall take into account—

- (a) the funds available for the construction and 15 for the permanent maintenance of main roads;
- (b) whether the road is or will be a main trunk route connecting the city of Sydney with a country main road; 20
- (c) whether the road is or will be a main trunk route for radial traffic between the city of Sydney and the surrounding suburbs;
- (d) whether the road is or will be a main trunk route for circumferential traffic between one 25 part of the metropolitan area and another;
- (e) whether the traffic along the road is or will be 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 30 traffic.

(3) The Governor may, on the recommendation of the Minister, repeal any proclamation of a main road, whether made under this Act or under any repealed Act. 35

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

Metropolitan
Roads
Account.

671. (1) A special account shall be kept in the Special Deposits Account in the Treasury to be called

called the Metropolitan Main Roads Account, and there shall be credited to such account moneys consisting of—

- 5 (a) a sum to be paid from Consolidated Revenue Fund equal to one-fifth of the revenue collected after the thirtieth day of June, one thousand nine hundred and twenty, as taxes, fees, and fines under the Motor Traffic Act, 10 1909, and the Motor Vehicle Taxation Act, 1916, less the cost of collection;
- (b) moneys paid by councils as contributions to the Metropolitan Main Roads Account under this Division; and
- 15 (c) such other moneys as the law may direct to be paid into the Metropolitan Main Roads Account, or as may be voted by Parliament for the purpose.

(2) The Metropolitan Main Roads Account shall be debited with the following:—

- 20 (a) An instalment of repayment of loan moneys expended upon the construction of metropolitan main roads so calculated as to extinguish the amount within a period not less than twenty and not exceeding fifty years; and such instalment shall be paid by the Treasurer to the State Debt Commissioners to be applied in reduction of loans raised for the construction of metropolitan main roads; and
- 25 (b) interest at a rate to be fixed by the Treasurer equal or approximately equal to the rate of interest paid by the Treasurer on moneys raised for expenditure on construction of metropolitan main roads; and moneys so debited shall be carried by the Treasurer to the Consolidated Revenue Fund.
- 30
- 35

(3) Subject to this Act the remainder of the funds available may be used under the authority of the Minister for the maintenance and construction of main roads in the Sydney metropolitan area, and generally for the purposes of this Division.

40

Levy upon
metropolitan
area.

672. (1) The Minister may, towards the close of each financial year of each of the councils whose area (or any part thereof) is situated in the Sydney metropolitan area, serve a requisition upon that council requiring it to pay into the Metropolitan Main Roads Account before the end of the first half of the council's next financial year a sum of money as a contribution to the Metropolitan Main Roads Account. 5

(2) The sum of money to be contributed by each council under this section shall be calculated according to such a 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 Minister may fix: 15

Provided that the rate in the pound to be used in calculating the contribution of the City of Sydney shall be one half of the rate in the pound used in calculating the contribution of the other councils in the Sydney metropolitan area: and 20

Provided also that the rate shall not exceed one farthing in the pound in the case of the City of Sydney, and shall not exceed one halfpenny in the pound in the case of the other areas.

(3) Where at the commencement of this Act any council owes to the Treasurer any sum of money in respect of the reconstruction of any main road in the metropolitan area, the terms of payment of the amount owing may be revised by the Minister, allowing ten years from the commencement of this Act for payment of principal sum and interest (if any) by annual or semi-annual amounts. Any such council which has paid its instalments under this subsection for any year may in the following year claim the deduction from its contribution of a sum equivalent to the instalments paid in the said preceding year. 25 30 35

(4) Each council shall pay the contribution accordingly; and in default the Minister may recover the contribution as a debt; and when recovered shall pay it into the Metropolitan Main Roads Account. 40

673.

673. (1) The Minister may, after considering any representations made by the council, decide what works are necessary on a main road whether for the construction or maintenance thereof.

5 (2) These works may include any works which it would be within the power of a council to construct or maintain.

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

15 674. (1) Where the Minister has decided that works are necessary as aforesaid, and that funds are available therefor, the Minister shall (unless for special reasons he decides otherwise) place the carrying out of those works in the hands of the council, and may allow a fee to the council's engineer for satisfactory supervision thereof.

20 (2) Any works carried out by a council shall be carried out to the satisfaction of the Minister.

25 (3) The Minister may carry out works under this Part in any case where there appear special reasons therefor, and thereupon he shall for that purpose have all the powers of the council, and the Acts mentioned in Schedule One shall apply and the Minister shall have the powers conferred by those Acts upon the Commissioner for Roads.

30 675. (1) The Minister may in each year (after considering any plans, sections, specifications, and other information submitted by the council) give particulars to the council of the amount of money allotted for the maintenance of each or any main road, and of the necessary works of maintenance.

35 (2) The Minister may pay the amount to the council in trust to be expended accordingly upon the maintenance of the road.

(3) The council shall to the satisfaction of the Minister maintain the roads for which money is provided under this section.

40 676. (1) The Minister may in each year (after considering any plans, sections, specifications, and other information submitted by the council) give particulars

Works on
main roads.

The carrying
out of works.
cf. Vic. C.R.
Act, 1915,
s. 23.

Maintenance
of metro-
politan roads.

Construction
works.
cf. Vic.
C.R. Act,
1915, s. 23.

particulars to the council of the necessary works of construction (if any) decided upon by him in respect of each or any main road; and the amount of money allotted therefor.

(2) The Minister may pay the amount to the council in trust to be expended upon the construction of the works. 5

(3) The council shall to the satisfaction of the Minister construct the works for which money is provided under this section. 10

No claim for repayment.

677. Councils in the Sydney metropolitan area shall not be liable to repay any portion of the sums of money expended for the construction or maintenance of main roads in accordance with this Division. 15

DIVISION 4.—*General.*

Construction or maintenance.

678. The Minister's decision whether any proposed work is construction or maintenance work shall be final.

Junctions of other roads with main roads.

679. The whole width of any public road which joins a main road shall, for a distance of twenty feet from the junction, be deemed to be part of the main road.

Boundary works.

680. (1) In any case where a main road is the boundary between two areas the Minister 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 he may consider best for the effective carrying out of the works, and without regard to the subsequent apportionment of the cost. 25 30

(2) In any such case (unless there be an agreement otherwise between the councils) the joint share of the councils in the cost of the works shall be apportioned between them in accordance with the provisions of this Act relating to boundary roads. 35

Deviations of main roads by statutory bodies.

681. 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 40 any

any department of the Government unless and until the location plans and specifications of such deviation or alteration have been approved by the Minister.

5 682. (1) For the purposes of this Act the Minister may carry out all such surveys and investigations as may be necessary or expedient to ascertain—

Surveys and investigations.
cf. Vic. C.R. Act, 1915, s. 15.

(a) what roads should be main roads;
10 (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 utilising them in New South Wales;

15 (c) the most effective methods of road construction and maintenance;

(d) what deviations (if any) in existing main roads or what new main roads should in his opinion be made so as to facilitate communication and improve the conditions of traffic.
20

(2) The Minister may publish for general information the results of such surveys and investigations.

25 (3) For the purposes of this section the Minister may exercise all the powers of entry, examination, and inspection which are by this Act conferred upon a council.

30 683. (1) The Minister may use the Country Main Roads Account and the Metropolitan Main Roads Account for the purchase of plant, that is to say, roadmaking machinery, testing machinery, tools, implements, and materials needed for the purposes of this Act.

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

35 (2) The Minister may hire or sell plant to councils, or may use it for the purposes of this Act.

(3) Moneys received for the hire or sale of plant to councils shall be paid into the account to which the purchase money of the plant was debited, or, if in the opinion of the Minister more convenient, apportioned between the accounts on the basis of the total amount provided by each account towards purchase of plant.
40

684.

Duty of
councils to
supply
information.
cf. Vic. C.R.
Act, 1915,
s. 16.

684. (1) The Minister may call upon any council (including the Municipal Council of Sydney) for any information needed for the purpose of carrying out the provisions of this Act or for the purpose of ascertaining that moneys granted hereunder have been properly applied. 5

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

Ordinances.
cf. *Ibid.* s. 61.

685. Ordinances may be made for carrying this Part into effect, and in particular for and with respect to— 10

- (a) the preservation of trees and vegetation on main roads;
- (b) the prevention of damage to main roads; 15
- (c) the prevention of the doing of things likely to injure main roads;
- (d) the regulation or prevention of the continuance or establishment of advertisement hoardings and advertisements on or near to main roads; 20
- (e) the regulation of the weight of loads on vehicles or of the use of vehicles likely to injure main roads;
- (f) the restriction of traffic or of certain classes of traffic when necessary to protect main roads from injury (and this provision shall apply to all main roads including those coming within the operation of the Metropolitan Traffic Act, 1900); 25 30
- (g) requiring the approval of the Minister to be obtained before councils grant applications by private persons or public authorities to interfere with or exercise privileges upon main roads, and before councils authorise the removal or destruction of trees on main roads; 35
- (h) conferring upon the Minister as well as the council, or transferring to the Minister instead of the council, with respect to main roads, any power or function which may be exercised under any Act by the council with respect to public roads. 40