

New South Wales.



ANNO UNDEVICESIMO

GEORGII V REGIS.

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Act No. 15, 1929.

An Act to amend the Main Roads Act, 1924--1927;  
to confer certain further powers upon the  
Main Roads Board; to amend the Local  
Government Act, 1919, and certain other  
Acts; to validate certain payments and  
other matters; and for purposes connected  
therewith. [Assented to, 8th April, 1929.]

BE



*Main Roads (Amendment).*

**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:—

Short title,  
citation, &c.

**1.** (1) This Act may be cited as the "Main Roads (Amendment) Act, 1929," and shall be read and construed with the Main Roads Act, 1924-1927, in this Act referred to as the Principal Act.

(2) The Principal Act, as amended by this Act, may be cited as the "Main Roads Act, 1924-1929."

Amendment  
of Act No. 24,  
1924, s. 1.

**2.** The Principal Act is amended by omitting subsection two of section one, and by inserting in lieu thereof the following new subsections:—

(Application  
of Act.)

(2) This Act shall apply to the Eastern and Central Divisions of the State, and to those portions of the municipalities of Balranald and Hillston which are in the Western Division of the State, but shall not (except where specifically so provided) apply to the city of Sydney.

(3) This Act shall apply to the remaining portion of the Western Division to such an extent and in such regard only as is specifically provided.

Further amend-  
ment of Act No.  
24, 1924, s. 3.  
(Interpre-  
tation.)

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

(a) by inserting in section three at the end of the definition of the word "area" the following words: "and any irrigation area within which or with regard to which this Act applies";

(b) by omitting from the same section the definition of the word "Construct" and by inserting in lieu thereof the following definition:—

"Construct" includes "reconstruct" and also "carry out any permanent improvement"; and "construction" has a corresponding meaning.

(c) by omitting from the same section the definition of the word "Council" and by inserting in lieu thereof the following definition:—

"Council" means the council of any municipality or shire and includes  
the



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*Main Roads (Amendment).*

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the Municipal Council of Sydney;  
and in relation to any irrigation area  
or part thereof which is not a munici-  
pality or shire includes the Water  
Conservation and Irrigation Com-  
mission.

- (d) by inserting in the same section after the  
definition of "Country main road" the follow-  
ing definition:—

"Country State highway" means a State  
highway outside the county of Cum-  
berland.

- (e) by inserting in the same section after the  
definition of "Metropolitan main road" the  
following definition:—

"Metropolitan State highway" means a  
State highway in the county of  
Cumberland.

- (f) by inserting in the same section after the  
definition of "Minister" the following defini-  
tion:—

"Ordinary main road" means a main  
road not proclaimed a State highway  
or a trunk road.

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

"State highway" means any main road  
being a principal avenue of road  
communication between the coast  
and the interior or throughout the  
State and connecting with such  
avenues in other States, and pro-  
claimed a State highway under this  
Act or any part of such State highway.

- (h) by inserting in the same section after the  
definition of "Treasurer" the following defini-  
tion:—

"Trunk road" means any main road  
being a secondary avenue of road  
communication forming with the  
State



*Main Roads (Amendment).*

State highways and other trunk roads a framework of a general system of intercommunication throughout the State and proclaimed a trunk road under this Act or any part of such trunk road.

Sec. 4.  
(Adaptation  
of Acts.)

- (i) by omitting from subsection two of section four the words "municipality or shire" and by inserting in lieu thereof the word "area."

Further  
amendment  
of Act No. 24,  
1924.

**4.** (1) The Principal Act is further amended by omitting subsection two of section seven and by inserting in lieu thereof the following subsection:—

(2) (a) The Board may appoint and employ such officers as it thinks necessary to assist in the execution of this Act and shall, subject to the provisions of the Industrial Arbitration Act, 1912, as amended by subsequent Acts, determine the salaries, wages, allowances, and conditions of employment of officers so appointed.

Upon the recommendation of the Board ordinances may also be made under the Local Government Act, 1919, regulating the conditions and terms of employment of officers and employees of the Board.

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 such ordinances.

(b) Any officer of the Public Service appointed to the service of the Board either before or after the commencement of this section shall—

- (i) have the same right to consideration for any appointment in the Public Service as is provided by the Public Service Act, 1902, for an officer of the Public Service;
- (ii) continue to contribute to the Superannuation Fund in accordance with the Superannuation Act, 1916, and be entitled to the benefits under that Act in respect of which he has contributed;

(iii)



*Main Roads (Amendment).*

- (iii) be entitled to retain any rights accrued or accruing under the Public Service Act, 1902, or any Act amending the same in respect of leave or otherwise.

Service in the Public Service shall be deemed service with the Board and the provisions of section fourteen of the Public Service (Amendment) Act, 1919, shall be deemed to extend to such officer.

(2) Any person appointed to any office on the staff of the Board under the provisions of subsection two of section seven of the Main Roads Act, 1924-1927, as originally enacted, and holding office at the commencement of this section, shall be deemed to have been appointed under subsection two of section seven of the Main Roads Act, 1924-1927, as inserted by this section.

(3) This section shall commence on a day to be appointed by the Governor, and proclaimed.

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

- (a) (i) by inserting in subsection one of section eight the words "and by the same or a subsequent proclamation give and notify numbers and names to each main road";  
 (ii) by inserting at the end of the same section the following subsections:—

(8) It shall not be necessary to proclaim any correction of a route of a main road, or any relocation of or alteration to the route of any portion of a main road adopted by or with the approval of the Board for the purpose of securing better alignment or gradients, or making better provision for public service.

This subsection shall be deemed to have come into operation at the commencement of this Act.

(9) The Governor may, from time to time, on the recommendation of the Board, reproclaim any main road, or the list of main roads, correcting or amplifying the particulars, defining the routes, and rearranging the numbers and names of any main roads.

It

Further amendment of Act No. 24, 1924, s. 8.  
 (Proclamation of main roads.)



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*Main Roads (Amendment).*

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It shall not be necessary for the Board to give any notice under section forty-four prior to such reproclamation.

Sec. 9.  
(Application  
of Part IV.)

- (b) by inserting in subsection three of section nine after the word "Mountains" the words "together with that portion of the Bulli Shire which is included in and within the zig-zag section of the Bulli Pass main road, and those portions of the Colo Shire and the Blaxland Shire which comprise main road number one hundred and eighty-four and the land lying between that road, and the Blue Mountains Shire";

Sec. 10.  
(Cumberland  
Main Roads  
Fund.)

- (c) (i) by omitting paragraph (c) of subsection one of section ten; and  
(ii) by inserting at the end of the same subsection the following new paragraphs:—

(h) loans raised by councils for the construction of main roads in the county of Cumberland under the provisions of section 181c of the Local Government Act, 1919;

- (i) any moneys received by the Board from tolls, fees, or charges in connection with any bridge, ferry, or other thing in the county of Cumberland.

Where a bridge or ferry is a boundary work between the county of Cumberland and the country, one half the tolls or charges received therefrom shall be paid into the County of Cumberland Main Roads Fund.

- (j) Any moneys paid to the Board for the credit of that Fund in pursuance of any Act;

Sec. 12.  
(Use of  
Fund.)

- (d) by inserting at the end of section twelve the following new subsections:—

(2) The Board shall pay from the County of Cumberland Main Roads Fund to the Federal Aid Roads Fund established under this Act such sums as, together with any moneys voted by



*Main Roads (Amendment).*

by Parliament towards works carried out under the Federal Aid Roads Agreement, are necessary to provide the quota of State moneys required under that agreement against the expenditure of Commonwealth moneys on main roads in the county of Cumberland.

(3) The Board shall on the thirtieth day of June in each year commencing on the thirtieth day of June, one thousand nine hundred and thirty-seven, pay from the county of Cumberland Main Roads Fund into the sinking fund provided under the Federal Aid Roads Agreement an amount equal to three pounds per centum per annum accruing from day to day on each amount of loan moneys included in an instalment provided by the State and expended on main roads in the county of Cumberland, until the amount paid into the sinking fund under subclauses two and three of clause four of the said agreement is sufficient to repay the loan moneys so appropriated.

- (e) (i) by omitting from subsection two of section Sec. 13.  
thirteen the word and figures "1923-24" (Financial  
and 1924-25" and by inserting in lieu adjustments.)  
thereof the word and figures "and 1923-24";
- (ii) by inserting after the word "roads" at the end of paragraph (a) of subsection four of the same section the words "prior to the first day of July, one thousand nine hundred and twenty-eight";
- (iii) by inserting after subsection four of the same section the following new subsection:—

(4A) The Board shall each year pay to the Treasurer from the County of Cumberland Main Roads Fund for the credit of Consolidated Revenue Fund and General Loan Account respectively such sums as may be required to provide for interest and repayment of loans appropriated for metropolitan main roads after the first day of July,



*Main Roads (Amendment).*

July, one thousand nine hundred and twenty-eight, and required by the Treasurer to be repaid.

The terms and conditions of repayment shall be as agreed upon by the Board and the Treasurer.

Further amendment of Act No. 24, 1924.

New secs. 18A, 18B.

Maintenance of secondary roads.

6. The Principal Act is further amended by inserting next after section eighteen the following new sections :—

18A. (1) Every secondary road shall be maintained by the council of the area in which it is situated to the satisfaction of the Board.

(2) If the council fails to maintain any such road, the Board may serve notice on the council requiring it to carry out, within a period to be named in the notice, such works of maintenance as are specified in the notice.

If the council fails to comply with any such requirement the Board may carry out such works.

(3) Any costs and expenses of carrying out such works incurred by the Board shall be shared between the council and the Board in accordance with any agreement in that behalf, or, if there be none, in such proportions as the Board may decide :

Provided that the Board shall not require any council to contribute more than one-half of the cost of the work.

The council's share shall be repaid to the Board by the council within three months after the demand by the Board.

18B. (1) The Governor may, on the recommendation of the Board, proclaim any metropolitan main road to be a metropolitan State highway.

(2) The Governor may on the recommendation of the Board, by proclamation amend or rescind any such proclamation.

7. The Principal Act is further amended—

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

19. (1) This Part shall apply to all areas which are wholly or partly outside the county of Cumberland and in the Eastern and Central Divisions

State highways.

Further amendment of Act No. 24, 1924.

Substituted s. 19.

(Application of Part V.)



*Main Roads (Amendment).*

Divisions of the State and to those parts of the municipalities of Balranald and Hillston which are in the Western Division of the State and shall apply in respect of the whole area or of the part, as the case may be.

(2) This Part shall apply to the remaining portion of the Western Division to such extent and in such regard only as is specifically provided.

- (b) (i) by omitting paragraph (b) of subsection one of section twenty; Sec. 20.  
(County of  
Cumberland  
Main Roads  
Fund.)
- (ii) by inserting the following new paragraphs at the end of the same subsection:—
- (g) any moneys received by the Board from tolls, fees, or charges in connection with any bridge, ferry, or other thing outside the county of Cumberland.
- Where any bridge or ferry is a boundary work between the county of Cumberland and the country, one-half the tolls or charges received on account thereof shall be paid into the Country Main Roads Fund;
- (h) any moneys paid to the Board for the credit of that fund in pursuance of any Act.
- (c) (i) by inserting in subsection one of section twenty-one after the words "maintenance of country main roads" the words "including those in the Western Division referred to in subsection four of this section"; Section 21.  
Expenditur
- (ii) by inserting after the word "roads" at the end of paragraph (a) of subsection two of the same section the words "prior to the first day of July one thousand nine hundred and twenty-eight";
- (iii) by inserting at the end of the same section the following new subsections:—
- (3) The Board shall in each year pay to the Treasurer from the Country Main Roads Fund



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*Main Roads (Amendment).*

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Fund for the credit of Consolidated Revenue Fund and General Loan Account respectively, such sums as may be required to provide for interest and repayment of loans appropriated for country main roads after the first day of July, one thousand nine hundred and twenty-eight, and required by the Treasurer to be repaid.

The terms and conditions of such repayment shall be as agreed upon by the Board and the Treasurer.

(4) After a date to be proclaimed the Board shall pay annually to the Minister for Public Works from the Country Main Roads Fund the sum of one thousand three hundred pounds for the assistance of the councils of the municipalities of Bourke, Brewarrina, Broken Hill, Cobar, Wentworth, and Wilcannia in the Western Division in the maintenance and construction of those portions of proclaimed main roads within those municipalities.

(5) The Board shall pay from the Country Main Roads Fund to the Federal Aid Roads Fund established under this Act such sums as, together with any moneys voted by Parliament and contributed by councils as provided for in this Part and Part VIA towards works carried out under the Federal Aid Roads Agreement, are necessary to provide the quota of State moneys required under that agreement against the expenditure of Commonwealth moneys incurred on main roads outside the county of Cumberland.

(6) The Board shall, on the thirtieth day of June in each year commencing on the thirtieth day of June, one thousand nine hundred and thirty-seven, pay from the Country Main Roads Fund into the sinking fund provided under the Federal Aid Roads Agreement



*Main Roads (Amendment).*

Agreement an amount equal to three pounds per centum per annum accruing from day to day on each amount of loan moneys included in an instalment provided by the State and expended on main roads outside the county of Cumberland until the amount paid into the sinking fund under subclauses two and three of clause four of the said agreement is sufficient to repay the loan moneys so appropriated.

- (d) by inserting the following new short headings <sup>New ss.</sup> and sections at the commencement of Division <sup>21A-21D.</sup> 3 of Part V :—

*Classification of country main roads.*

21A. (1) The Governor may, on the recommendation of the Board, proclaim any country main road to be a country State highway or a trunk road. <sup>Country State highways and trunk roads.</sup>

(2) The Governor may, on the recommendation of the Board, by proclamation amend or rescind any such proclamation.

(3) The roads which may be recommended by the Board as trunk roads shall be the secondary avenues of road communication forming with the State highways and other trunk roads a framework of a general system of intercommunication throughout the State.

*Country State highways.*

21B. (1) The Board shall decide what works of construction or maintenance shall be carried out on a country State highway. <sup>Decision as to works.</sup>

(2) Before deciding, the Board shall consider the representations, if any, of the councils of the areas in which the work will be situated.

21C. (1) Where the Board has decided that any work of construction or maintenance is necessary on a State highway the Board may, except where authorised by the Governor to <sup>Who to execute the work.</sup> carry



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*Main Roads (Amendment).*

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carry out the work, offer to place the carrying out of the work in the hands of the council, and to make an agreement with the council accordingly.

(2) Where an agreement is made, the Board shall pay the cost, or instalments thereof, from the Country Main Roads Fund to the council in trust, to be expended on the said works in accordance with the agreement, and the council shall account to the Board therefor, provided that—

- (a) where a country State highway coincides with any road of a city or town, and the Board decides to widen such road, the Board may arrange with any council through whose area the widening is carried out, to bear one-third of the cost of such widening; and
- (b) where a country State highway coincides with any road of a city or town, and water or gas mains or other public utilities exist in the road, the Board may make arrangements with the authority controlling the mains or public utility for the removal of the mains or public utilities to other positions in the road, and any council through whose area the removals take place shall, if the Board so requires it, reimburse the Board one-third of the costs and expenses so incurred by it;
- (c) any payment due to the Board in accordance with the preceding paragraphs shall be paid to the Board by a council within three months after demand by the Board.

(3) The Governor may, in any special case, direct that work be carried out by the Board.

(4) All work entrusted to a council shall be carried out to the satisfaction of the Board.



*Main Roads (Amendment).*

21D. Where at the first day of July, one thousand nine hundred and twenty-eight, any council owed the Board any sum of money in respect of the construction or reconstruction of any road which, prior to the first day of July, one thousand nine hundred and twenty-nine, is proclaimed a country State highway, the Board shall, upon payment by the council of the instalments of interest and principal and any additional sum which fell due before the former date, write off any remaining balance of the debt, and any agreement between the Board and any council relating to such payments shall be cancelled, save so far as the agreement relates to works off that portion of the carriageway of the road with which the Board is concerned.

Arrangements entered into with councils prior to 1st July, 1928.

- (e) by inserting the following short heading immediately before section twenty-two:—

Sec. 22.  
(Assistance to councils.)

*Trunk roads and ordinary main roads.*

- (f) (i) by omitting subsection one of section twenty-four and by inserting in lieu thereof the following subsection:—

(1) the Board shall not require any council or group of councils to contribute more than one-third in the case of a trunk road, or one-half in the case of an ordinary main road, of the cost of any work of construction or maintenance for which assistance is granted by the Board.

Contribution by councils.

Where any portion of the cost of the work is contributed to by the Commonwealth Government under the Federal Aid Roads Agreement, the council's contribution shall not exceed the above proportions of the State's share of such cost.

The Board may accept voluntary offers from councils to contribute a greater proportion of the cost of a work than is prescribed in this subsection.

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*Main Roads (Amendment).*


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The Board may also, where circumstances justify it, grant assistance to a greater extent than is so prescribed, even to the whole cost of a work.

- (ii) by inserting in paragraph (a) of subsection two of the same section, after the words "the work" the words "the probable life of the work";

New s. 27A.

- (g) by inserting after section twenty-seven the following new short heading and section:—

*Western Division.*

Saving of  
certain  
agreements.

27A. (1) Subject to the provisions of section 21D of this Act, any agreement entered into between the Board and any of the councils of the municipalities of Bourke, Brewarrina, Broken Hill, Cobar, Wentworth, and Wilcannia, prior to the commencement of the Main Roads (Amendment) Act, 1929, in connection with works of maintenance or construction on main roads within those municipalities shall be carried out.

(2) The Board shall not be concerned to see to the application of any moneys paid to any such council by the Minister for Public Works out of the amount paid by the Board to him in pursuance of section twenty-one, and the responsibility for its proper application shall rest upon the said Minister.

Further amend-  
ment of Act No.  
24, 1924.

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

New s. 29A.

- (a) by inserting after section twenty-nine the following new section:—

Bridges  
which are  
national  
works.

29A. (1) Any bridge which is a national work and which is part of a developmental road may by proclamation be handed over either temporarily or permanently to the Board, and shall thereupon be maintained, managed, and administered by the Board, and shall cease either temporarily or permanently to be a national work.

(2)



*Main Roads (Amendment).*

(2) The cost of such maintenance, management, and administration shall be defrayed out of the Developmental Roads Fund.

- (b) by inserting in subsection four of section thirty after the word "moneys" the words "appropriated by Parliament prior to the first day of July, one thousand nine hundred and twenty-eight, or expended as part of the 1926-27 and 1927-28 Federal Aid Roads programmes."

9. The Principal Act is further amended by inserting at the end of Part VI the following new Part :—

Sec. 30.  
(Assistance for develop-  
mental roads.)  
  
Further amend-  
ment of Act No.  
24, 1924.  
New Part  
VIA.

PART VIA.

FEDERAL AID ROADS AGREEMENT.

DIVISION I—*Application of Part.*

31A. This Part shall apply to all works carried out under the Federal Aid Roads Agreement, including works in the Western Division.

Application  
of Part.

DIVISION II—*Federal Aid Roads Fund.*

*Receipts.*

31B. There shall be a Federal Aid Roads Fund consisting of—

Federal Aid  
Roads Fund.

- (a) the moneys paid to the State of New South Wales by the Government of the Commonwealth of Australia under the terms of the said agreement ;
- (b) such sums as may be appropriated by Parliament from revenue for Federal Aid Roads subsidy ;
- (c) loans raised under any Loan Act and appropriated by Parliament for Federal Aid Roads subsidy ;
- (d) moneys transferred from the county of Cumberland Main Roads Fund ;

(e)



*Main Roads (Amendment).*

- (e) moneys transferred from the Country Main Roads Fund ;
- (f) contributions by councils towards Federal Aid Road work on country main roads ;
- (g) a sum not less than twenty thousand pounds to be appropriated by Parliament each year for eight years commencing the first day of July, one thousand nine hundred and twenty-eight, for Western Division roads subsidy.

*Expenditure.*

Application  
of Fund.

31c. (1) The Federal Aid Roads Fund shall be used by the Board for the permanent improvement of roads included in the Federal Aid Roads programme in any part of the State, including the Western Division, and for a proportion of the salaries and expenses of the Board and its staff and of any additional administrative expenses either of the Board or of councils to whom grants are made from the Federal Aid Roads Funds as provided in the Federal Aid Roads agreement.

(2) The Board shall pay to the Minister for Public Works from the Federal Aid Roads Fund for the construction of roads in the Western Division (excluding any part of the municipalities of Balranald and Hillston) the sum of seventy thousand pounds annually for a period of nine years commencing at first day of July, one thousand nine hundred and twenty-seven.

*Federal aid road works.*

Carrying out  
of works.

31d. (1) The whole of the works carried out in the Eastern and Central Divisions of the State shall be carried out in accordance with and subject to the appropriate provisions of other Parts of this Act, as they relate to contributions by and assistance to councils and the carrying out of works, according to whether the works are on State highways, trunk roads, ordinary main roads, or developmental roads or in or outside the county of Cumberland, and the conditions,



*Main Roads (Amendment).*

conditions of maintenance which apply to trunk roads, and to ordinary main roads outside the county of Cumberland, and to developmental roads generally, shall apply to all works carried out on such roads.

(2) In connection with work done in the Western Division under the Federal Aid Roads Agreement—

- (a) the Under-Secretary for Public Works shall submit to the Board the necessary statements, drawings, specifications, estimates, certificates, and any other information which may be necessary for inclusion by the Board in its proposals to the Minister for programmes under that Act;
- (b) the Under-Secretary for Public Works shall submit to the Board such details and certificates of any expenditure as may be required by the Commonwealth Government under the Federal Aid Roads Agreement;
- (c) the responsibility for ensuring that the works done are satisfactorily carried out shall rest with the Minister for Public Works.

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

- (a) by inserting in subsection one of section thirty-two after the word “main” the word “secondary”; Further amendment of Act No. 24, 1924.  
Sec. 32.  
(When Board may do work.)
- (b) by inserting at the end of section thirty-three the following new subsection:— Sec. 33.  
(What works may be carried out.)
  - (3) Where a country main road passes through a city or town, any works for the construction or maintenance of the carriage-way shall, except in special cases approved by the Board, be limited to those which are necessary to provide a total width of road pavement of twenty feet.
- (c) by inserting at the end of section thirty-nine the following new subsection:— Sec. 39.  
(Control of main roads.)
  - (6) Where any sign or hoarding has been erected within the limits of any main road, whether



*Main Roads (Amendment).*

whether with the permission of the council or not, the Board may, in any case where in the opinion of the Board the sign or hoarding is prejudicial to the safety of the travelling public direct the person responsible for its erection to remove it forthwith or within such period as the Board may fix, and such removal shall be done at the expense of the said person.

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

- (a) (i) by omitting from paragraph (b) of subsection one of section forty-four the words "Part V" and by inserting in lieu thereof the words "section twenty-six";
- (ii) by omitting paragraph (c) of the same subsection;
- (iii) by inserting at the end of the same subsection the following words: "Where any council has informed the Board in writing that it concurs in the proposal no such notice shall be necessary."
- (b) by omitting section forty-six and by inserting in lieu thereof the following section:—

46. (1) Where any matter or thing is by or under this Act directed or forbidden to be done or where the Board is authorised by this Act to direct any matter or thing to be done or to forbid any matter or thing to be done and such matter or thing if so directed to be done remains undone or if so forbidden to be done is done, then in every such case every person (including a council) offending against such direction or prohibition shall be guilty of an offence under this Act.

(2) The Board may at its discretion prior or subsequently to or in lieu of prosecuting for such offence do any such matter or thing and recover the costs and expenses thereof from such person in any court of competent jurisdiction.

(3)

Further amendment of Act No. 24, 1924.

Sec. 44.

Sec. 46.

Enforcement of Act.  
cf. secs. 632  
and 633 of  
L.G. Act No.  
41, 1919.



*Main Roads (Amendment).*

(3) Each person guilty of an offence under this Act shall for every such offence be liable to the penalty expressly imposed, and if no penalty is so imposed, to a penalty not exceeding fifty pounds and to a further daily penalty not exceeding two pounds, and such penalty may be recovered by the Board.

(4) All costs, charges, expenses, or penalties recovered by the Board under this section shall be paid into the appropriate Main Roads Fund.

- (c) by omitting subsection one of section forty-nine and by inserting in lieu thereof the following new subsection :—

(1) The Governor may, on the application of the Board, resume or appropriate land for the purpose of this Act, and may by proclamation vest the whole or part of such land in the Board, and may by the same or any subsequent proclamation declare the whole or part of such land to be a public road or public reserve, and may, if the Board so recommends, place it under the control of the council.

*Resumption of land.*

Such resumption or appropriation may be made in accordance with the provisions of the Public Works Act, 1912 (and any Acts amending that Act), *mutatis mutandis*, and for that purpose the Board shall be the "Constructing Authority," and shall take the place of the Minister for Public Works: Provided that it shall not be compulsory for the Board to take the whole of any parcel of vacant land in a case where the Board requires a portion only, except where the residue so left would be less in area than is required by the council for a building allotment and the owner so desires.

- (d) By adding at the end of section fifty-three the following new subsections :—

(7) Upon such suspension the care, control and management of the Botany Road shall, subject to this Act, revert to the councils of the

*Botany Road.*



*Main Roads (Amendment).*

the areas through which the road passes as if the Botany Road Trust Constitution Act, 1922, had not been passed.

(8) Upon such suspension all assets and liabilities of the Botany Road Trust shall be assets and liabilities of the Board, and all debts due to the Trust may be collected and recovered by the Board as debts due to it.

**12.** The Principal Act is further amended by inserting after section fifty-four the following new sections:—

(55) In any agreement made between the Minister and any council, before the commencement of this Act, in relation to the repayment by the council of moneys provided by the Government for the improvement of roads which are now country main roads or developmental roads, the Board shall be deemed to be and to have been substituted for the Minister, and any moneys repaid by the council under the agreement shall be paid into the appropriate fund under this Act.

56. The payment to councils by the Board from the Developmental Roads Fund of moneys in respect 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.

57. The action of the Minister for Local Government in writing off the debt of the council of the municipality of Granville under the agreement of the fifteenth day of January, one thousand nine hundred and twenty-five, between that council and the said Minister relating to the reconditioning of Parramatta Road, is hereby validated, and section thirteen of this Act shall be deemed to extend to such debt.

58. The levying by the Bulli Shire Council in the year one thousand nine hundred and twenty-six of a local rate in Riding C of the shire to make a contribution to the Board towards the cost of reconstruction of Prince's Highway is hereby validated.

59.

Further amend-  
ment of Act,  
No. 24, 1924.  
New ss. 55, 56,  
57, 58, 59, 60,  
61.

Old  
agreements  
transferred  
to Board.

Validation of  
payments,  
past Com-  
monwealth-  
cum-State  
grants.

Granville  
adjustment.

Bulli adjust-  
ment.



*Main Roads (Amendment).*

59. There shall be paid by the Treasurer to the County of Cumberland Main Roads Fund, the Country Main Roads Fund, and the Federal Aid Roads Fund interest at such rate per centum per annum as shall be agreed upon by the Treasurer and the Board on the monthly balance of each fund held in the Treasurer's Special Deposits Account.

Treasurer to pay interest on balances.

60. (1) The Board may, with the approval of the Governor, levy tolls and charges in connection with traffic across any bridge or ferry which may be constructed or established under the provisions of this Act upon any metropolitan main road or Country State highway.

Power to establish toll bridges and ferries.

(2) The Board may lease the running of any such ferry and the collection of tolls and charges on any such bridge or ferry by public tender on such terms as the Board may decide.

(3) All moneys received from tolls or charges collected or from the leasing of any ferry shall be paid into the appropriate Main Roads Fund.

(4) (a) Upon the recommendation of the Board ordinances may be made under the Local Government Act, 1919, for and with respect to—

(i) the fixing of the amounts of the tolls and charges to be imposed by the Board or by any lessee acting under agreement with the Board;

(ii) the control, management, maintenance and protection of the bridge or ferry;

(iii) the regulation, restriction or suspension of the use by the public of the bridge or ferry.

(b) 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.

61. (1) Where for the purposes of widening a main road a part only of any house, factory, or other building is resumed, appropriated, or purchased by the Board, the owner thereof at the time

Re-establishment of resumed buildings.

of



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*Main Roads (Amendment).*

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of such resumption, appropriation, or purchase, shall be entitled to make any replacements, alterations, and extensions to the house, factory, or building in materials similar to and of the quality of the materials of the several parts replaced, altered, or extended, and so far as the class or quality of such materials is concerned, the provisions of the Local Government Act, 1919, and any ordinances thereunder with regard to buildings and any building regulations of the council in whose area such resumption, appropriation, or purchase has been made shall not apply, provided that—

- (a) such action shall be limited to the re-establishment of accommodation not greater than that which existed prior to the resumption, appropriation, or purchase; and
- (b) the owner shall not be entitled to take advantage of this subsection for the purpose of rebuilding any house, factory, or building which has been entirely demolished.

(2) Where for the purpose of widening a main road, the whole of any house, factory, or other building is resumed, appropriated, or purchased by the Board, and if in the opinion of the Board it is necessary to demolish a part thereof only, the Board may—

(a) arrange such demolition and make such alterations or extensions to the residue as it thinks fit, the provisions of the Local Government Act, 1919, and any ordinances thereunder, or any building regulations of the council notwithstanding;

(b) sell any residue not required for road purposes, either with or without the condition that the purchaser shall remove from the land required for road purposes the portion of the house, factory, or building thereon, and the purchaser shall be entitled to make any replacement, alteration, or  
extension



*Main Roads (Amendment).*

extension to the residue in the same manner as if an owner from whom the land was resumed, appropriated, or purchased.

62. If any council fails to make any contribution under this Act on the due date or fails to pay on the due date any instalment in pursuance of any agreement made under this Act, such contribution or instalment shall from and after the due date for payment thereof bear interest at the rate of six per centum per annum, and such interest shall be considered as accruing from day to day: Provided that the Board may in any case remit the payment of such interest wholly or in part or may grant an extension of time for the payment of all or any part of such interest.

Interest on amounts owing to the Board.

13. The Local Government Act, 1919, as amended by subsequent Acts, is amended—

Amendment of Act No. 41, 1919.  
Sec. 181c.

(a) (i) by inserting at the end of subsection one of section 181c the following words:—

Provided that the Governor's approval under this section shall not be given to any further loans after the thirtieth day of June, one thousand nine hundred and thirty;

(ii) by inserting after subsection four of the same section the following new subsection:—

(4A) Where the construction of the main road is carried out by the Main Roads Board of New South Wales, the moneys from such loan shall be paid into the County of Cumberland Main Roads Fund.

(4B) Any such loan may be repaid by the Main Roads Board of new South Wales direct to the lender;

(b) by inserting at the commencement of subsection one of section one hundred and eighty-three the words "subject to the provisions of this Act."

Sec. 183.

By Authority:

ALFRED JAMES KENT, Government Printer, Sydney, 1929.



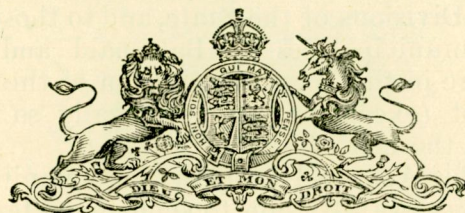




*I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.*

*S. G. BOYDELL,  
Clerk of the Legislative Assembly.  
Legislative Assembly Chamber,  
Sydney, 27 March, 1929.*

## **New South Wales.**



ANNO UNDEVICESIMO

# **GEORGII V REGIS.**

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**Act No. 15, 1929.**

An Act to amend the Main Roads Act, 1924--1927 ;  
to confer certain further powers upon the  
Main Roads Board; to amend the Local  
Government Act, 1919, and certain other  
Acts; to validate certain payments and  
other matters; and for purposes connected  
therewith. [Assented to, 8th April, 1929.]

BE

*I have examined this Bill, and find it to correspond in all respects with  
the Bill as finally passed by both Houses.*

*R. B. WALKER,  
Chairman of Committees of the Legislative Assembly.*



*Main Roads (Amendment).*

**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:—

Short title,  
citation, &c.

**1.** (1) This Act may be cited as the "Main Roads (Amendment) Act, 1929," and shall be read and construed with the Main Roads Act, 1924-1927, in this Act referred to as the Principal Act.

(2) The Principal Act, as amended by this Act, may be cited as the "Main Roads Act, 1924-1929."

Amendment  
of Act No. 24,  
1924, s. 1.

**2.** The Principal Act is amended by omitting subsection two of section one, and by inserting in lieu thereof the following new subsections:—

(Application  
of Act.)

(2) This Act shall apply to the Eastern and Central Divisions of the State, and to those portions of the municipalities of Balranald and Hillston which are in the Western Division of the State, but shall not (except where specifically so provided) apply to the city of Sydney.

(3) This Act shall apply to the remaining portion of the Western Division to such an extent and in such regard only as is specifically provided.

Further amend-  
ment of Act No.  
24, 1924, s. 3.

(Interpre-  
tation.)

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

(a) by inserting in section three at the end of the definition of the word "area" the following words: "and any irrigation area within which or with regard to which this Act applies";

(b) by omitting from the same section the definition of the word "Construct" and by inserting in lieu thereof the following definition:—

"Construct" includes "reconstruct" and also "carry out any permanent improvement"; and "construction" has a corresponding meaning.

(c) by omitting from the same section the definition of the word "Council" and by inserting in lieu thereof the following definition:—

"Council" means the council of any municipality or shire and includes the



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*Main Roads (Amendment).*

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the Municipal Council of Sydney;  
and in relation to any irrigation area  
or part thereof which is not a munici-  
pality or shire includes the Water  
Conservation and Irrigation Com-  
mission.

- (d) by inserting in the same section after the  
definition of "Country main road" the follow-  
ing definition:—

"Country State highway" means a State  
highway outside the county of Cum-  
berland.

- (e) by inserting in the same section after the  
definition of "Metropolitan main road" the  
following definition:—

"Metropolitan State highway" means a  
State highway in the county of  
Cumberland.

- (f) by inserting in the same section after the  
definition of "Minister" the following defini-  
tion:—

"Ordinary main road" means a main  
road not proclaimed a State highway  
or a trunk road.

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

"State highway" means any main road  
being a principal avenue of road  
communication between the coast  
and the interior or throughout the  
State and connecting with such  
avenues in other States, and pro-  
claimed a State highway under this  
Act or any part of such State highway.

- (h) by inserting in the same section after the  
definition of "Treasurer" the following defini-  
tion:—

"Trunk road" means any main road  
being a secondary avenue of road  
communication forming with the  
State



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*Main Roads (Amendment).*

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State highways and other trunk roads a framework of a general system of intercommunication throughout the State and proclaimed a trunk road under this Act or any part of such trunk road.

Sec. 4.  
(Adaptation  
of Acts.)

- (i) by omitting from subsection two of section four the words "municipality or shire" and by inserting in lieu thereof the word "area."

Further  
amendment  
of Act No. 24,  
1924.

**4.** (1) The Principal Act is further amended by omitting subsection two of section seven and by inserting in lieu thereof the following subsection:—

(2) (a) The Board may appoint and employ such officers as it thinks necessary to assist in the execution of this Act and shall, subject to the provisions of the Industrial Arbitration Act, 1912, as amended by subsequent Acts, determine the salaries, wages, allowances, and conditions of employment of officers so appointed.

Upon the recommendation of the Board ordinances may also be made under the Local Government Act, 1919, regulating the conditions and terms of employment of officers and employees of the Board.

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 such ordinances.

(b) Any officer of the Public Service appointed to the service of the Board either before or after the commencement of this section shall—

- (i) have the same right to consideration for any appointment in the Public Service as is provided by the Public Service Act, 1902, for an officer of the Public Service;
- (ii) continue to contribute to the Superannuation Fund in accordance with the Superannuation Act, 1916, and be entitled to the benefits under that Act in respect of which he has contributed;

(iii)



*Main Roads (Amendment).*

- (iii) be entitled to retain any rights accrued or accruing under the Public Service Act, 1902, or any Act amending the same in respect of leave or otherwise.

Service in the Public Service shall be deemed service with the Board and the provisions of section fourteen of the Public Service (Amendment) Act, 1919, shall be deemed to extend to such officer.

(2) Any person appointed to any office on the staff of the Board under the provisions of subsection two of section seven of the Main Roads Act, 1924-1927, as originally enacted, and holding office at the commencement of this section, shall be deemed to have been appointed under subsection two of section seven of the Main Roads Act, 1924-1927, as inserted by this section.

(3) This section shall commence on a day to be appointed by the Governor, and proclaimed.

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

- (a) (i) by inserting in subsection one of section eight the words "and by the same or a subsequent proclamation give and notify numbers and names to each main road";  
(ii) by inserting at the end of the same section the following subsections:—

Further amend-  
ment of Act No.  
24, 1924, s. 8.  
(Proclamation of  
main roads.)

(8) It shall not be necessary to proclaim any correction of a route of a main road, or any relocation of or alteration to the route of any portion of a main road adopted by or with the approval of the Board for the purpose of securing better alignment or gradients, or making better provision for public service.

This subsection shall be deemed to have come into operation at the commencement of this Act.

(9) The Governor may, from time to time, on the recommendation of the Board, reproclaim any main road, or the list of main roads, correcting or amplifying the particulars, defining the routes, and rearranging the numbers and names of any main roads.

It



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*Main Roads (Amendment).*


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It shall not be necessary for the Board to give any notice under section forty-four prior to such reproclamation.

Sec. 9.  
(Application  
of Part IV.)

- (b) by inserting in subsection three of section nine after the word "Mountains" the words "together with that portion of the Bulli Shire which is included in and within the zig-zag section of the Bulli Pass main road, and those portions of the Colo Shire and the Blaxland Shire which comprise main road number one hundred and eighty-four and the land lying between that road, and the Blue Mountains Shire";

Sec. 10.  
(Cumberland  
Main Roads  
Fund.)

- (c) (i) by omitting paragraph (c) of subsection one of section ten; and  
(ii) by inserting at the end of the same subsection the following new paragraphs:—  
(h) loans raised by councils for the construction of main roads in the county of Cumberland under the provisions of section 181c of the Local Government Act, 1919;  
(i) any moneys received by the Board from tolls, fees, or charges in connection with any bridge, ferry, or other thing in the county of Cumberland.

Where a bridge or ferry is a boundary work between the county of Cumberland and the country, one half the tolls or charges received therefrom shall be paid into the County of Cumberland Main Roads Fund.

- (j) Any moneys paid to the Board for the credit of that Fund in pursuance of any Act;

Sec. 12.  
(Use of  
Fund.)

- (d) by inserting at the end of section twelve the following new subsections:—

(2) The Board shall pay from the County of Cumberland Main Roads Fund to the Federal Aid Roads Fund established under this Act such sums as, together with any moneys voted by



*Main Roads (Amendment).*

by Parliament towards works carried out under the Federal Aid Roads Agreement, are necessary to provide the quota of State moneys required under that agreement against the expenditure of Commonwealth moneys on main roads in the county of Cumberland.

(3) The Board shall on the thirtieth day of June in each year commencing on the thirtieth day of June, one thousand nine hundred and thirty-seven, pay from the county of Cumberland Main Roads Fund into the sinking fund provided under the Federal Aid Roads Agreement an amount equal to three pounds per centum per annum accruing from day to day on each amount of loan moneys included in an instalment provided by the State and expended on main roads in the county of Cumberland, until the amount paid into the sinking fund under subclauses two and three of clause four of the said agreement is sufficient to repay the loan moneys so appropriated.

- (e) (i) by omitting from subsection two of section Sec. 13. thirteen the word and figures "1923-24 (Financial and 1924-25" and by inserting in lieu <sup>adjustments.)</sup> thereof the word and figures "and 1923-24";
- (ii) by inserting after the word "roads" at the end of paragraph (a) of subsection four of the same section the words "prior to the first day of July, one thousand nine hundred and twenty-eight";
- (iii) by inserting after subsection four of the same section the following new subsection:—

(4A) The Board shall each year pay to the Treasurer from the County of Cumberland Main Roads Fund for the credit of Consolidated Revenue Fund and General Loan Account respectively such sums as may be required to provide for interest and repayment of loans appropriated for metropolitan main roads after the first day of July,



*Main Roads (Amendment).*

July, one thousand nine hundred and twenty-eight, and required by the Treasurer to be repaid.

The terms and conditions of repayment shall be as agreed upon by the Board and the Treasurer.

Further amendment of Act No. 24, 1924.

**6.** The Principal Act is further amended by inserting next after section eighteen the following new sections:—

New secs.  
18A, 18B.  
Maintenance  
of secondary  
roads.

18A. (1) Every secondary road shall be maintained by the council of the area in which it is situated to the satisfaction of the Board.

(2) If the council fails to maintain any such road, the Board may serve notice on the council requiring it to carry out, within a period to be named in the notice, such works of maintenance as are specified in the notice.

If the council fails to comply with any such requirement the Board may carry out such works.

(3) Any costs and expenses of carrying out such works incurred by the Board shall be shared between the council and the Board in accordance with any agreement in that behalf, or, if there be none, in such proportions as the Board may decide:

Provided that the Board shall not require any council to contribute more than one-half of the cost of the work.

The council's share shall be repaid to the Board by the council within three months after the demand by the Board.

State high-  
ways.

18B. (1) The Governor may, on the recommendation of the Board, proclaim any metropolitan main road to be a metropolitan State highway.

(2) The Governor may on the recommendation of the Board, by proclamation amend or rescind any such proclamation.

Further amendment of Act No. 24, 1924.  
Substituted s. 19.  
(Application of Part V.)

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

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

19. (1) This Part shall apply to all areas which are wholly or partly outside the county of Cumberland and in the Eastern and Central Divisions



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*Main Roads (Amendment).*

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Divisions of the State and to those parts of the municipalities of Balranald and Hillston which are in the Western Division of the State and shall apply in respect of the whole area or of the part, as the case may be.

(2) This Part shall apply to the remaining portion of the Western Division to such extent and in such regard only as is specifically provided.

- (b) (i) by omitting paragraph (b) of subsection one of section twenty; Sec. 20.  
(County of  
Cumberland  
Main Roads  
Fund.)  
(ii) by inserting the following new paragraphs at the end of the same subsection:—

(g) any moneys received by the Board from tolls, fees, or charges in connection with any bridge, ferry, or other thing outside the county of Cumberland.

Where any bridge or ferry is a boundary work between the county of Cumberland and the country, one-half the tolls or charges received on account thereof shall be paid into the Country Main Roads Fund;

(h) any moneys paid to the Board for the credit of that fund in pursuance of any Act.

- (c) (i) by inserting in subsection one of section twenty-one after the words "maintenance of country main roads" the words "including those in the Western Division referred to in subsection four of this section"; Section 21.  
Expenditure.  
(ii) by inserting after the word "roads" at the end of paragraph (a) of subsection two of the same section the words "prior to the first day of July one thousand nine hundred and twenty-eight";  
(iii) by inserting at the end of the same section the following new subsections:—

(3) The Board shall in each year pay to the Treasurer from the Country Main Roads Fund



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*Main Roads (Amendment).*

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Fund for the credit of Consolidated Revenue Fund and General Loan Account respectively, such sums as may be required to provide for interest and repayment of loans appropriated for country main roads after the first day of July, one thousand nine hundred and twenty-eight, and required by the Treasurer to be repaid.

The terms and conditions of such repayment shall be as agreed upon by the Board and the Treasurer.

(4) After a date to be proclaimed the Board shall pay annually to the Minister for Public Works from the Country Main Roads Fund the sum of one thousand three hundred pounds for the assistance of the councils of the municipalities of Bourke, Brewarrina, Broken Hill, Cobar, Wentworth, and Wilcannia in the Western Division in the maintenance and construction of those portions of proclaimed main roads within those municipalities.

(5) The Board shall pay from the Country Main Roads Fund to the Federal Aid Roads Fund established under this Act such sums as, together with any moneys voted by Parliament and contributed by councils as provided for in this Part and Part VIA towards works carried out under the Federal Aid Roads Agreement, are necessary to provide the quota of State moneys required under that agreement against the expenditure of Commonwealth moneys incurred on main roads outside the county of Cumberland.

(6) The Board shall, on the thirtieth day of June in each year commencing on the thirtieth day of June, one thousand nine hundred and thirty-seven, pay from the Country Main Roads Fund into the sinking fund provided under the Federal Aid Roads Agreement



*Main Roads (Amendment).*

Agreement an amount equal to three pounds per centum per annum accruing from day to day on each amount of loan moneys included in an instalment provided by the State and expended on main roads outside the county of Cumberland until the amount paid into the sinking fund under subclauses two and three of clause four of the said agreement is sufficient to repay the loan moneys so appropriated.

- (d) by inserting the following new short headings <sup>New ss.</sup> and sections at the commencement of Division <sup>21A-21D.</sup> 3 of Part V :—

*Classification of country main roads.*

21A. (1) The Governor may, on the recommendation of the Board, proclaim any country main road to be a country State highway or a trunk road. <sup>Country State highways and trunk roads.</sup>

(2) The Governor may, on the recommendation of the Board, by proclamation amend or rescind any such proclamation.

(3) The roads which may be recommended by the Board as trunk roads shall be the secondary avenues of road communication forming with the State highways and other trunk roads a framework of a general system of intercommunication throughout the State.

*Country State highways.*

21B. (1) The Board shall decide what works of construction or maintenance shall be carried out on a country State highway. <sup>Decision as to works.</sup>

(2) Before deciding, the Board shall consider the representations, if any, of the councils of the areas in which the work will be situated.

21C. (1) Where the Board has decided that any work of construction or maintenance is necessary on a State highway the Board may, except where authorised by the Governor to carry <sup>Who to execute the work.</sup>



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*Main Roads (Amendment).*

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carry out the work, offer to place the carrying out of the work in the hands of the council, and to make an agreement with the council accordingly.

(2) Where an agreement is made, the Board shall pay the cost, or instalments thereof, from the Country Main Roads Fund to the council in trust, to be expended on the said works in accordance with the agreement, and the council shall account to the Board therefor, provided that—

- (a) where a country State highway coincides with any road of a city or town, and the Board decides to widen such road, the Board may arrange with any council through whose area the widening is carried out, to bear one-third of the cost of such widening; and
- (b) where a country State highway coincides with any road of a city or town, and water or gas mains or other public utilities exist in the road, the Board may make arrangements with the authority controlling the mains or public utility for the removal of the mains or public utilities to other positions in the road, and any council through whose area the removals take place shall, if the Board so requires it, reimburse the Board one-third of the costs and expenses so incurred by it;
- (c) any payment due to the Board in accordance with the preceding paragraphs shall be paid to the Board by a council within three months after demand by the Board.

(3) The Governor may, in any special case, direct that work be carried out by the Board.

(4) All work entrusted to a council shall be carried out to the satisfaction of the Board.



*Main Roads (Amendment).*

21D. Where at the first day of July, one thousand nine hundred and twenty-eight, any council owed the Board any sum of money in respect of the construction or reconstruction of any road which, prior to the first day of July, one thousand nine hundred and twenty-nine, is proclaimed a country State highway, the Board shall, upon payment by the council of the instalments of interest and principal and any additional sum which fell due before the former date, write off any remaining balance of the debt, and any agreement between the Board and any council relating to such payments shall be cancelled, save so far as the agreement relates to works off that portion of the carriageway of the road with which the Board is concerned.

Arrange-  
ments  
entered into  
with councils  
prior to 1st  
July, 1928.

- (e) by inserting the following short heading immediately before section twenty-two:—

Sec. 22.  
(Assistance  
to councils.)

*Trunk roads and ordinary main roads.*

- (f) (i) by omitting subsection one of section twenty-four and by inserting in lieu thereof the following subsection:—

(1) the Board shall not require any council or group of councils to contribute more than one-third in the case of a trunk road, or one-half in the case of an ordinary main road, of the cost of any work of construction or maintenance for which assistance is granted by the Board.

Contributions  
by councils.

Where any portion of the cost of the work is contributed to by the Commonwealth Government under the Federal Aid Roads Agreement, the council's contribution shall not exceed the above proportions of the State's share of such cost.

The Board may accept voluntary offers from councils to contribute a greater proportion of the cost of a work than is prescribed in this subsection.

The



*Main Roads (Amendment).*

The Board may also, where circumstances justify it, grant assistance to a greater extent than is so prescribed, even to the whole cost of a work.

- (ii) by inserting in paragraph (a) of subsection two of the same section, after the words "the work" the words "the probable life of the work";

New s. 27A.

- (g) by inserting after section twenty-seven the following new short heading and section:—

*Western Division.*

Saving of certain agreements.

27A. (1) Subject to the provisions of section 21D of this Act, any agreement entered into between the Board and any of the councils of the municipalities of Bourke, Brewarrina, Broken Hill, Cobar, Wentworth, and Wilcannia, prior to the commencement of the Main Roads (Amendment) Act, 1929, in connection with works of maintenance or construction on main roads within those municipalities shall be carried out.

(2) The Board shall not be concerned to see to the application of any moneys paid to any such council by the Minister for Public Works out of the amount paid by the Board to him in pursuance of section twenty-one, and the responsibility for its proper application shall rest upon the said Minister.

Further amendment of Act No. 24, 1924.

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

New s. 29A.

- (a) by inserting after section twenty-nine the following new section:—

Bridges which are national works.

29A. (1) Any bridge which is a national work and which is part of a developmental road may by proclamation be handed over either temporarily or permanently to the Board, and shall thereupon be maintained, managed, and administered by the Board, and shall cease either temporarily or permanently to be a national work. (2)



*Main Roads (Amendment).*

(2) The cost of such maintenance, management, and administration shall be defrayed out of the Developmental Roads Fund.

- (b) by inserting in subsection four of section thirty after the word "moneys" the words "appropriated by Parliament prior to the first day of July, one thousand nine hundred and twenty-eight, or expended as part of the 1926-27 and 1927-28 Federal Aid Roads programmes."

Sec. 30.  
(Assistance for development roads.)

9. The Principal Act is further amended by inserting at the end of Part VI the following new Part :—

Further amendment of Act No. 24, 1924.  
New Part VIA.

PART VIA.

FEDERAL AID ROADS AGREEMENT.

DIVISION I—*Application of Part.*

31A. This Part shall apply to all works carried out under the Federal Aid Roads Agreement, including works in the Western Division.

Application of Part.

DIVISION II—*Federal Aid Roads Fund.*

*Receipts.*

31B. There shall be a Federal Aid Roads Fund consisting of—

Federal Aid Roads Fund

- (a) the moneys paid to the State of New South Wales by the Government of the Commonwealth of Australia under the terms of the said agreement ;
- (b) such sums as may be appropriated by Parliament from revenue for Federal Aid Roads subsidy ;
- (c) loans raised under any Loan Act and appropriated by Parliament for Federal Aid Roads subsidy ;
- (d) moneys transferred from the county of Cumberland Main Roads Fund ;

(e)



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*Main Roads (Amendment).*

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- (e) moneys transferred from the Country Main Roads Fund;
- (f) contributions by councils towards Federal Aid Road work on country main roads;
- (g) a sum not less than twenty thousand pounds to be appropriated by Parliament each year for eight years commencing the first day of July, one thousand nine hundred and twenty-eight, for Western Division roads subsidy.

*Expenditure.*

Application  
o Fund.

31c. (1) The Federal Aid Roads Fund shall be used by the Board for the permanent improvement of roads included in the Federal Aid Roads programme in any part of the State, including the Western Division, and for a proportion of the salaries and expenses of the Board and its staff and of any additional administrative expenses either of the Board or of councils to whom grants are made from the Federal Aid Roads Funds as provided in the Federal Aid Roads agreement.

(2) The Board shall pay to the Minister for Public Works from the Federal Aid Roads Fund for the construction of roads in the Western Division (excluding any part of the municipalities of Balranald and Hillston) the sum of seventy thousand pounds annually for a period of nine years commencing at first day of July, one thousand nine hundred and twenty-seven.

*Federal aid road works.*

Carrying out  
of works.

31d. (1) The whole of the works carried out in the Eastern and Central Divisions of the State shall be carried out in accordance with and subject to the appropriate provisions of other Parts of this Act, as they relate to contributions by and assistance to councils and the carrying out of works, according to whether the works are on State highways, trunk roads, ordinary main roads, or developmental roads or in or outside the county of Cumberland, and the conditions,



*Main Roads (Amendment).*

conditions of maintenance which apply to trunk roads, and to ordinary main roads outside the county of Cumberland, and to developmental roads generally, shall apply to all works carried out on such roads.

(2) In connection with work done in the Western Division under the Federal Aid Roads Agreement—

- (a) the Under-Secretary for Public Works shall submit to the Board the necessary statements, drawings, specifications, estimates, certificates, and any other information which may be necessary for inclusion by the Board in its proposals to the Minister for programmes under that Act ;
- (b) the Under-Secretary for Public Works shall submit to the Board such details and certificates of any expenditure as may be required by the Commonwealth Government under the Federal Aid Roads Agreement ;
- (c) the responsibility for ensuring that the works done are satisfactorily carried out shall rest with the Minister for Public Works.

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

Further  
amendment of  
Act No. 24,  
1924.

- (a) by inserting in subsection one of section thirty-two after the word “main” the word “secondary” ; Sec. 32.  
(When Board may do work.)
- (b) by inserting at the end of section thirty-three the following new subsection :— Sec. 33.  
(What works may be carried out.)
  - (3) Where a country main road passes through a city or town, any works for the construction or maintenance of the carriage-way shall, except in special cases approved by the Board, be limited to those which are necessary to provide a total width of road pavement of twenty feet.
- (c) by inserting at the end of section thirty-nine the following new subsection :— Sec. 39.  
(Control of main roads.)
  - (6) Where any sign or hoarding has been erected within the limits of any main road, whether



*Main Roads (Amendment).*

whether with the permission of the council or not, the Board may, in any case where in the opinion of the Board the sign or hoarding is prejudicial to the safety of the travelling public direct the person responsible for its erection to remove it forthwith or within such period as the Board may fix, and such removal shall be done at the expense of the said person.

Further amend-  
ment of Act No.  
24, 1924.  
Sec. 44.

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

- (a) (i) by omitting from paragraph (b) of subsection one of section forty-four the words "Part V" and by inserting in lieu thereof the words "section twenty-six";
- (ii) by omitting paragraph (c) of the same subsection;
- (iii) by inserting at the end of the same subsection the following words: "Where any council has informed the Board in writing that it concurs in the proposal no such notice shall be necessary."
- (b) by omitting section forty-six and by inserting in lieu thereof the following section:—

Sec. 46.

Enforcement  
of Act.  
cf secs. 632  
and 633 of  
L.G. Act No.  
41, 1919.

46. (1) Where any matter or thing is by or under this Act directed or forbidden to be done or where the Board is authorised by this Act to direct any matter or thing to be done or to forbid any matter or thing to be done and such matter or thing if so directed to be done remains undone or if so forbidden to be done is done, then in every such case every person (including a council) offending against such direction or prohibition shall be guilty of an offence under this Act.

(2) The Board may at its discretion prior or subsequently to or in lieu of prosecuting for such offence do any such matter or thing and recover the costs and expenses thereof from such person in any court of competent jurisdiction.]

(3)



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*Main Roads (Amendment).*

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(3) Each person guilty of an offence under this Act shall for every such offence be liable to the penalty expressly imposed, and if no penalty is so imposed, to a penalty not exceeding fifty pounds and to a further daily penalty not exceeding two pounds, and such penalty may be recovered by the Board.

(4) All costs, charges, expenses, or penalties recovered by the Board under this section shall be paid into the appropriate Main Roads Fund.

- (c) by omitting subsection one of section forty-nine and by inserting in lieu thereof the following new subsection:—

(1) The Governor may, on the application of the Board, resume or appropriate land for the purpose of this Act, and may by proclamation vest the whole or part of such land in the Board, and may by the same or any subsequent proclamation declare the whole or part of such land to be a public road or public reserve, and may, if the Board so recommends, place it under the control of the council.

Such resumption or appropriation may be made in accordance with the provisions of the Public Works Act, 1912 (and any Acts amending that Act), *mutatis mutandis*, and for that purpose the Board shall be the "Constructing Authority," and shall take the place of the Minister for Public Works: Provided that it shall not be compulsory for the Board to take the whole of any parcel of vacant land in a case where the Board requires a portion only, except where the residue so left would be less in area than is required by the council for a building allotment and the owner so desires.

- (d) By adding at the end of section fifty-three the following new subsections:—

(7) Upon such suspension the care, control and management of the Botany Road shall, subject to this Act, revert to the councils of the



*Main Roads (Amendment).*

the areas through which the road passes as if the Botany Road Trust Constitution Act, 1922, had not been passed.

(8) Upon such suspension all assets and liabilities of the Botany Road Trust shall be assets and liabilities of the Board, and all debts due to the Trust may be collected and recovered by the Board as debts due to it.

Further amend-  
ment of Act,  
No. 24, 1924.  
New ss. 55, 56,  
57, 58, 59, 60,  
61.  
Old  
agreements  
transferred  
to Board.

**12.** The Principal Act is further amended by inserting after section fifty-four the following new sections:—

(55) In any agreement made between the Minister and any council, before the commencement of this Act, in relation to the repayment by the council of moneys provided by the Government for the improvement of roads which are now country main roads or developmental roads, the Board shall be deemed to be and to have been substituted for the Minister, and any moneys repaid by the council under the agreement shall be paid into the appropriate fund under this Act.

Validation of  
payments,  
past Com-  
monwealth-  
cum-State  
grants.

56. The payment to councils by the Board from the Developmental Roads Fund of moneys in respect 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.

Granville  
adjustment.

57. The action of the Minister for Local Government in writing off the debt of the council of the municipality of Granville under the agreement of the fifteenth day of January, one thousand nine hundred and twenty-five, between that council and the said Minister relating to the reconditioning of Parramatta Road, is hereby validated, and section thirteen of this Act shall be deemed to extend to such debt.

Bulli adjust-  
ment.

58. The levying by the Bulli Shire Council in the year one thousand nine hundred and twenty-six of a local rate in Riding C of the shire to make a contribution to the Board towards the cost of reconstruction of Prince's Highway is hereby validated.

59.



*Main Roads (Amendment).*

59. There shall be paid by the Treasurer to the County of Cumberland Main Roads Fund, the Country Main Roads Fund, and the Federal Aid Roads Fund interest at such rate per centum per annum as shall be agreed upon by the Treasurer and the Board on the monthly balance of each fund held in the Treasurer's Special Deposits Account.

Treasurer to  
pay interest  
on balances.

60. (1) The Board may, with the approval of the Governor, levy tolls and charges in connection with traffic across any bridge or ferry which may be constructed or established under the provisions of this Act upon any metropolitan main road or Country State highway.

Power to  
establish  
toll bridges  
and ferries.

(2) The Board may lease the running of any such ferry and the collection of tolls and charges on any such bridge or ferry by public tender on such terms as the Board may decide.

(3) All moneys received from tolls or charges collected or from the leasing of any ferry shall be paid into the appropriate Main Roads Fund.

(4) (a) Upon the recommendation of the Board ordinances may be made under the Local Government Act, 1919, for and with respect to—

- (i) the fixing of the amounts of the tolls and charges to be imposed by the Board or by any lessee acting under agreement with the Board;
- (ii) the control, management, maintenance and protection of the bridge or ferry;
- (iii) the regulation, restriction or suspension of the use by the public of the bridge or ferry.

(b) 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.

61. (1) Where for the purposes of widening a main road a part only of any house, factory, or other building is resumed, appropriated, or purchased by the Board, the owner thereof at the time

Re-establish-  
ment of  
resumed  
buildings.

of



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*Main Roads (Amendment).*

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of such resumption, appropriation, or purchase, shall be entitled to make any replacements, alterations, and extensions to the house, factory, or building in materials similar to and of the quality of the materials of the several parts replaced, altered, or extended, and so far as the class or quality of such materials is concerned, the provisions of the Local Government Act, 1919, and any ordinances thereunder with regard to buildings and any building regulations of the council in whose area such resumption, appropriation, or purchase has been made shall not apply, provided that—

- (a) such action shall be limited to the re-establishment of accommodation not greater than that which existed prior to the resumption, appropriation, or purchase; and
- (b) the owner shall not be entitled to take advantage of this subsection for the purpose of rebuilding any house, factory, or building which has been entirely demolished.

(2) Where for the purpose of widening a main road, the whole of any house, factory, or other building is resumed, appropriated, or purchased by the Board, and if in the opinion of the Board it is necessary to demolish a part thereof only, the Board may—

- (a) arrange such demolition and make such alterations or extensions to the residue as it thinks fit, the provisions of the Local Government Act, 1919, and any ordinances thereunder, or any building regulations of the council notwithstanding;
- (b) sell any residue not required for road purposes, either with or without the condition that the purchaser shall remove from the land required for road purposes the portion of the house, factory, or building thereon, and the purchaser shall be entitled to make any replacement, alteration, or extension



*Main Roads (Amendment).*

extension to the residue in the same manner as if an owner from whom the land was resumed, appropriated, or purchased.

62. If any council fails to make any contribution under this Act on the due date or fails to pay on the due date any instalment in pursuance of any agreement made under this Act, such contribution or instalment shall from and after the due date for payment thereof bear interest at the rate of six per centum per annum, and such interest shall be considered as accruing from day to day: Provided that the Board may in any case remit the payment of such interest wholly or in part or may grant an extension of time for the payment of all or any part of such interest.

Interest on  
amounts  
owing to  
the Board.

**13.** The Local Government Act, 1919, as amended by subsequent Acts, is amended—

Amendment  
of Act No. 41,  
1919.  
Sec. 181c.

(a) (i) by inserting at the end of subsection one of section 181c the following words:—

Provided that the Governor's approval under this section shall not be given to any further loans after the thirtieth day of June, one thousand nine hundred and thirty;

(ii) by inserting after subsection four of the same section the following new subsection:—

(4A) Where the construction of the main road is carried out by the Main Roads Board of New South Wales, the moneys from such loan shall be paid into the County of Cumberland Main Roads Fund.

(4B) Any such loan may be repaid by the Main Roads Board of new South Wales direct to the lender;

(b) by inserting at the commencement of subsection one of section one hundred and eighty-three the words "subject to the provisions of this Act."

Sec. 183.

*In the name and on behalf of His Majesty I assent to this Act.*

Government House,

Sydney, 8th April, 1929.

D. R. S. DE CHAIR,

Governor.



CONTENTS  
ORIGINAL ARTICLES  
The Medical Profession and the Public  
The Medical Profession and the Public  
The Medical Profession and the Public

THE MEDICAL PROFESSION AND THE PUBLIC  
The medical profession has a duty to the public to maintain the highest standards of ethics and competence. It is the responsibility of the medical profession to protect the public from unqualified practitioners and to ensure that the public receives the best possible medical care. The medical profession must be vigilant in its efforts to maintain the integrity of the medical profession and to protect the public from the dangers of medical fraud and malpractice.

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*This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.*

S. G. BOYDELL,  
*Clerk of the Legislative Assembly.*  
*Legislative Assembly Chamber,*  
*Sydney, 26 March, 1929, A.M.*

*The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.*

W. L. S. COOPER,  
*Clerk of the Parliaments.*  
*Legislative Council Chamber,*  
*Sydney, 27th March, 1929.*

## New South Wales.



ANNO UNDEVICESIMO

# GEORGII V REGIS.

\*\*\*\*\*

Act No. , 1929.

An Act to amend the Main Roads Act, 1924--1927 ;  
to confer certain further powers upon the  
Main Roads Board; to amend the Local  
Government Act, 1919, and certain other  
Acts; to validate certain payments and  
other matters; and for purposes connected  
therewith.

88281

188—A

BE

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NOTE.—The words to be *omitted* are *ruled through* ; those to be *inserted* are  
printed in **black letter**.



*Main Roads (Amendment).*

**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, 1929," and shall be read and construed with the Main Roads Act, 1924-1927, in this Act referred to as the Principal Act. Short title, citation, &c.

(2) The Principal Act, as amended by this Act, may be cited as the "Main Roads Act, 1924-1929."

**2.** The Principal Act is amended by omitting subsection two of section one, and by inserting in lieu thereof the following new subsections:— Amendment of Act No. 24, 1924, s. 1.

(2) This Act shall apply to the Eastern and Central Divisions of the State, and to those portions of the municipalities of Balranald and Hillston which are in the Western Division of the State, but shall not (except where specifically so provided) apply to the city of Sydney. (Application of Act.)

(3) This Act shall apply to the remaining portion of the Western Division to such an extent and in such regard only as is specifically provided.

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

(a) by inserting in section three at the end of the definition of the word "area" the following words: "and any irrigation area within which or with regard to which this Act applies";

(b) by omitting from the same section the definition of the word "Construct" and by inserting in lieu thereof the following definition:—

"Construct" includes "reconstruct" and also "carry out any permanent improvement"; and "construction" has a corresponding meaning.

(c) by omitting from the same section the definition of the word "Council" and by inserting in lieu thereof the following definition:—

"Council" means the council of any municipality or shire and includes

the

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



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*Main Roads (Amendment).*

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5 the Municipal Council of Sydney;  
and in relation to any irrigation area  
or part thereof which is not a mun-  
cipality or shire includes the Water  
Conservation and Irrigation Com-  
mission.

(d) by inserting in the same section after the  
definition of "Country main road" the follow-  
ing definition:—

10 "Country State highway" means a State  
highway outside the county of Cum-  
berland.

(e) by inserting in the same section after the  
definition of "Metropolitan main road" the  
following definition:—

15 "Metropolitan State highway" means a  
State highway in the county of  
Cumberland.

(f) by inserting in the same section after the  
definition of "Minister" the following defini-  
tion:—

20 "Ordinary main road" means a main  
road not proclaimed a State highway  
or a trunk road.

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

25 "State highway" means any main road  
being a principal avenue of road  
communication between the coast  
and the interior or throughout the  
State and connecting with such  
avenues in other States, and pro-  
claimed a State highway under this  
Act or any part of such State highway.

35 (h) by inserting in the same section after the  
definition of "Treasurer" the following defini-  
tion:—

40 "Trunk road" means any main road  
being a secondary avenue of road  
communication forming with the  
State



*Main Roads (Amendment).*

State highways and other trunk roads  
a framework of a general system of  
intercommunication throughout the  
State and proclaimed a trunk road  
under this Act or any part of such  
trunk road.

- (i) by omitting from subsection two of section Sec.4.  
four the words "municipality or shire" and (Adaptation  
by inserting in lieu thereof the word "area." of Acts.)

10 **4.** (1) The Principal Act is further amended by Further  
omitting subsection two of section seven and by insert- amendment  
ing in lieu thereof the following subsection:— of Act No. 24,  
1924.

(2) (a) The Board may appoint and employ  
such officers as it thinks necessary to assist in the  
execution of this Act and shall, subject to the  
provisions of the Industrial Arbitration Act, 1912,  
as amended by subsequent Acts, determine the  
salaries, wages, allowances, and conditions of  
employment of officers so appointed.

Upon the recommendation of the Board ordin-  
ances may also be made under the Local Govern-  
ment Act, 1919, regulating the conditions and  
terms of employment of officers and employees of  
the Board.

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 such ordinances.

(b) Any officer of the Public Service  
appointed to the service of the Board either before  
or after the commencement of this section shall—

- (i) have the same right to consideration for any  
appointment in the Public Service as is pro-  
vided by the Public Service Act, 1902, for  
an officer of the Public Service;

- (ii) continue to contribute to the Superannuation  
Fund in accordance with the Superannuation  
Act, 1916, and be entitled to the benefits  
under that Act in respect of which he has  
contributed;

(iii)



*Main Roads (Amendment).*

(iii) be entitled to retain any rights accrued or accruing under the Public Service Act, 1902, or any Act amending the same in respect of leave or otherwise.

5 Service in the Public Service shall be deemed service with the Board and the provisions of section fourteen of the Public Service (Amendment) Act, 1919, shall be deemed to extend to such officer.

10 (2) Any person appointed to any office on the staff of the Board under the provisions of subsection two of section seven of the Main Roads Act, 1924-1927, as originally enacted, and holding office at the commencement of this section, shall be deemed to have been appointed under subsection two of section seven of the  
15 Main Roads Act, 1924-1927, as inserted by this section.

(3) This section shall commence on a day to be appointed by the Governor, and proclaimed.

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

Further amend-  
ment of Act No.  
24, 1924, s. 8.  
(Proclamation of  
main roads.)

20 (a) (i) by inserting in subsection one of section eight the words “and by the same or a subsequent proclamation give and notify numbers and names to each main road” ;

(ii) by inserting at the end of the same section the following subsections :—

25 (8) It shall not be necessary to proclaim any correction of a route of a main road, or any relocation of or alteration to the route of any portion of a main road adopted by or with the approval of the  
30 Board for the purpose of securing better alignment or gradients, or making better provision for public service.

35 This subsection shall be deemed to have come into operation at the commencement of this Act.

40 (9) 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, defining the routes, and rearranging the numbers and names of any main roads.

It



*Main Roads (Amendment).*

It shall not be necessary for the Board to give any notice under section forty-four prior to such reclamation.

- 5 (b) by inserting in subsection three of section nine after the word "Mountains" the words "together with that portion of the Bulli Shire which is included in and within the zig-zag section of the Bulli Pass main road, and those portions of the Colo Shire and the Blaxland Shire which comprise main road number one hundred and eighty-four and the land lying between that road, and the Blue Mountains Shire";
- 10
- 15 (c) (i) by omitting paragraph (c) of subsection one of section ten; and  
(ii) by inserting at the end of the same subsection the following new paragraphs:—  
(h) loans raised by councils for the construction of main roads in the county of Cumberland under the provisions of section 181c of the Local Government Act, 1919;  
(i) any moneys received by the Board from tolls, fees, or charges in connection with any bridge, ferry, or other thing in the county of Cumberland.
- 20
- 25 Where a bridge or ferry is a boundary work between the county of Cumberland and the country, one half the tolls or charges received therefrom shall be paid into the County of Cumberland Main Roads Fund.
- 30 (j) Any moneys paid to the Board for the credit of that Fund in pursuance of any Act;
- 35 (d) by inserting at the end of section twelve the following new subsections:—  
(2) The Board shall pay from the County of Cumberland Main Roads Fund to the Federal Aid Roads Fund established under this Act such sums as, together with any moneys voted by
- 40

Sec. 9.  
(Application  
of Part IV.)

Sec. 10.  
(Cumberland  
Main Roads  
Fund.)

Sec. 12.  
(Use of  
Fund.)



*Main Roads (Amendment).*

5 by Parliament towards works carried out under the Federal Aid Roads Agreement, are necessary to provide the quota of State moneys required under that agreement against the expenditure of Commonwealth moneys on main roads in the county of Cumberland.

10 (3) The Board shall on the thirtieth day of June in each year commencing on the thirtieth day of June, one thousand nine hundred and thirty-seven, pay from the county of Cumberland Main Roads Fund into the sinking fund provided under the Federal Aid Roads Agreement an amount equal to three pounds per centum per annum accruing from day to day on each amount of loan moneys included in an instalment provided by the State and expended on main roads in the county of Cumberland, until the amount paid into the sinking fund under subclauses two and three of clause four of the said agreement is sufficient to repay the loan moneys so appropriated.

- 25 (c) (i) by omitting from subsection two of section thirteen the word and figures "1923-24 and 1924-25" and by inserting in lieu thereof the word and figures "and 1923-24";  
 (ii) by inserting after the word "roads" at the end of paragraph (a) of subsection four of the same section the words "prior to the first day of July, one thousand nine hundred and twenty-eight";  
 30 (iii) by inserting after subsection four of the same section the following new subsection:—

35 (4A) The Board shall each year pay to the Treasurer from the County of Cumberland Main Roads Fund for the credit of Consolidated Revenue Fund and General Loan Account respectively such sums as may be required to provide for interest and repayment of loans appropriated for metropolitan main roads after the first day of  
 40 July,



*Main Roads (Amendment).*

July, one thousand nine hundred and twenty-eight, and required by the Treasurer to be repaid.

5 The terms and conditions of repayment shall be as agreed upon by the Board and the Treasurer.

6. The Principal Act is further amended by inserting Further amendment of Act No. 24, 1924.

10 18A. (1) Every secondary road shall be maintained by the council of the area in which it is situated to the satisfaction of the Board. New secs. 18A, 18B.

15 (2) If the council fails to maintain any such road, the Board may serve notice on the council requiring it to carry out, within a period to be named in the notice, such works of maintenance as are specified in the notice. Maintenance of secondary roads.

If the council fails to comply with any such requirement the Board may carry out such works.

20 (3) Any costs and expenses of carrying out such works incurred by the Board shall be shared between the council and the Board in accordance with any agreement in that behalf, or, if there be none, in such proportions as the Board may decide :

25 **Provided that the Board shall not require any council to contribute more than one-half of the cost of the work.**

The council's share shall be repaid to the Board by the council within three months after the demand by the Board.

30 18B. (1) The Governor may, on the recommendation of the Board, proclaim any metropolitan main road to be a metropolitan State highway. State highways.

35 (2) The Governor may on the recommendation of the Board, by proclamation amend or rescind any such proclamation.

7. The Principal Act is further amended—

(a) by omitting section nineteen and by inserting Further amendment of Act No. 24, 1924.

40 19. (1) This Part shall apply to all areas which are wholly or partly outside the county of Cumberland and in the Eastern and Central Divisions Substituted s. 19. (Application of Part V.)



*Main Roads (Amendment).*

Divisions of the State and to those parts of the municipalities of Balranald and Hillston which are in the Western Division of the State and shall apply in respect of the whole area or of the part, as the case may be.

(2) This Part shall apply to the remaining portion of the Western Division to such extent and in such regard only as is specifically provided.

- 10 (b) (i) by omitting paragraph (b) of subsection one of section twenty; Sec. 20.  
 (ii) by inserting the following new paragraphs (County of Cumberland Main Roads Fund.)  
 at the end of the same subsection:—

15 (g) any moneys received by the Board from tolls, fees, or charges in connection with any bridge, ferry, or other thing outside the county of Cumberland.

20 Where any bridge or ferry is a boundary work between the county of Cumberland and the country, one-half the tolls or charges received on account thereof shall be paid into the Country Main Roads Fund;

25 (h) any moneys paid to the Board for the credit of that fund in pursuance of any Act.

- 30 (c) (i) by inserting in subsection one of section twenty-one after the words "maintenance of country main roads" the words "including those in the Western Division referred to in subsection four of this section;" Section 21. Expenditure.

35 (ii) by inserting after the word "roads" at the end of paragraph (a) of subsection two of the same section the words "prior to the first day of July one thousand nine hundred and twenty-eight";

(iii) by inserting at the end of the same section the following new subsections:—

40 (3) The Board shall in each year pay to the Treasurer from the Country Main Roads Fund



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*Main Roads (Amendment).*

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5 Fund for the credit of Consolidated Revenue Fund and General Loan Account respectively, such sums as may be required to provide for interest and repayment of loans appropriated for country main roads after the first day of July, one thousand nine hundred and twenty-eight, and required by the Treasurer to be repaid.

10 The terms and conditions of such repayment shall be as agreed upon by the Board and the Treasurer.

15 (4) After a date to be proclaimed the Board shall pay annually to the Minister for Public Works from the Country Main Roads Fund the sum of one thousand three hundred pounds for the assistance of the councils of the municipalities of Bourke, Brewarrina, Broken Hill, Cobar, Wentworth, and Wilcannia in the Western Division in the maintenance and construction of those portions of proclaimed main roads within those municipalities.

20 (5) The Board shall pay from the Country Main Roads Fund to the Federal Aid Roads Fund established under this Act such sums as, together with any moneys voted by Parliament and contributed by councils as provided for in this Part and Part VIA towards works carried out under the Federal Aid Roads Agreement, are necessary to provide the quota of State moneys required under that agreement against the expenditure of Commonwealth moneys incurred on main roads outside the county of Cumberland.

35 (6) The Board shall, on the thirtieth day of June in each year commencing on the thirtieth day of June, one thousand nine hundred and thirty-seven, pay from the Country Main Roads Fund into the Sinking fund provided under the Federal Air Roads Agreement

40



*Main Roads (Amendment).*

5 Agreement an amount equal to three  
pounds per centum per annum accruing  
from day to day on each amount of loan  
moneys included in an instalment provided  
by the State and expended on main roads  
outside the county of Cumberland until the  
amount paid into the sinking fund under  
subclauses two and three of clause four of  
the said agreement is sufficient to repay  
10 the loan moneys so appropriated.

- (d) by inserting the following new short headings New ss.  
21A-21D.  
and sections at the commencement of Division  
3 of Part V :—

*Classification of country main roads.*

15 21A. (1) The Governor may, on the recom- Country  
State  
highways and  
trunk roads.  
mendation of the Board, proclaim any country  
main road to be a country State highway or  
a trunk road.

20 (2) The Governor may, on the recom-  
mendation of the Board, by proclamation  
amend or rescind any such proclamation.

25 (3) The roads which may be recom-  
mended by the Board as trunk roads shall be  
the secondary avenues of road communication  
forming with the State highways and other  
trunk roads a framework of a general system  
of intercommunication throughout the State.

*Country State highways.*

30 21B. (1) The Board shall decide what works Decision as to  
works.  
of construction or maintenance shall be carried  
out on a country State highway.

(2) Before deciding, the Board shall  
consider the representations, if any, of the  
councils of the areas in which the work will be  
situated.

35 21C. (1) Where the Board has decided that Who to  
execute the  
work.  
any work of construction or maintenance is  
necessary on a State highway the Board may,  
except where authorised by the Governor to  
carry



*Main Roads (Amendment).*

carry out the work, offer to place the carrying out of the work in the hands of the council, and to make an agreement with the council accordingly.

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(2) Where an agreement is made, the Board shall pay the cost, or instalments thereof, from the Country Main Roads Fund to the council in trust, to be expended on the said works in accordance with the agreement, and the council shall account to the Board therefor, provided that—

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(a) where a country State highway coincides with any road of a city or town, and the Board decides to widen such road, the Board may ~~require~~ **arrange with** any council through whose area the widening is carried out, to bear one-third of the cost of such widening; and

(b) where a country State highway coincides with any road of a city or town, and water or gas mains or other public utilities exist in the road, the Board may make arrangements with the authority controlling the mains or public utility for the removal of the mains or public utilities to other positions in the road, and any council through whose area the removals take place shall, if the Board so requires it, reimburse the Board one-third of the costs and expenses so incurred by it;

(c) any payment due to the Board in accordance with the preceding paragraphs shall be paid to the Board by a council within three months after demand by the Board.

(3) The Governor may, in any special case, direct that work be carried out by the Board.

(4) All work entrusted to a council shall be carried out to the satisfaction of the Board.

21D.



*Main Roads (Amendment).*

- 21D. Where at the first day of July, one thousand nine hundred and twenty-eight, any council owed the Board any sum of money in respect of the construction or reconstruction of any road which, prior to the first day of July, one thousand nine hundred and twenty-nine, is proclaimed a country State highway, the Board shall, upon payment by the council of the instalments of interest and principal and any additional sum which fell due before the former date, write off any remaining balance of the debt, and any agreement between the Board and any council relating to such payments shall be cancelled, save so far as the agreement relates to works off that portion of the carriage-way of the road with which the Board is concerned.
- (e) by inserting the following short heading immediately before section twenty-two:—
- Trunk roads and ordinary main roads.*
- (f) (i) by omitting subsection one of section twenty-four and by inserting in lieu thereof the following subsection:—
- (1) the Board shall not require any council or group of councils to contribute more than one-third in the case of a trunk road, or one-half in the case of an ordinary main road, of the cost of any work of construction or maintenance for which assistance is granted by the Board.
- Where any portion of the cost of the work is contributed to by the Commonwealth Government under the Federal Aid Roads Agreement, the council's contribution shall not exceed the above proportions of the State's share of such cost.
- The Board may accept voluntary offers from councils to contribute a greater proportion of the cost of a work than is prescribed in this subsection.

Arrange-  
ments  
entered into  
with councils  
prior to 1st  
July, 1928.

Sec. 22.  
(Assistance  
to councils.)

Contributions  
by councils.

The



*Main Roads (Amendment).*

The Board may also, where circumstances justify it, grant assistance to a greater extent than is so prescribed, even to the whole cost of a work.

- 5 (ii) by inserting in paragraph (a) of subsection two of the same section, after the words "the work" the words "the probable life of the work";
- 10 (g) by inserting after section twenty-seven the New s. 27A. following new short heading and section :—

*Western Division.*

15 27A. (1) Subject to the provisions of section 21D of this Act, any agreement entered into between the Board and any of the councils of the municipalities of Bourke, Brewarrina, Broken Hill, Cobar, Wentworth, and Wilcannia, prior to the commencement of the Main Roads (Amendment) Act, 1929, in connection with works of maintenance or construction on main roads within those municipalities shall be carried out.

20 (2) The Board shall not be concerned to see to the application of any moneys paid to any such council by the Minister for Public Works out of the amount paid by the Board to him in pursuance of section twenty-one, and the responsibility for its proper application shall rest upon the said Minister.

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

Further amendment of Act No. 24, 1924.

- 30 (a) by inserting after section twenty-nine the New s. 29A. following new section :—

35 29A. (1) Any bridge which is a national work and which is part of a developmental road may by proclamation be handed over either temporarily or permanently to the Board, and shall thereupon be maintained, managed, and administered by the Board, and shall cease either temporarily or permanently to be a national work. (2)

Bridges which are national works.



*Main Roads (Amendment).*

(2) The cost of such maintenance, management, and administration shall be defrayed out of the Developmental Roads Fund.

- 5 (b) by inserting in subsection four of section thirty after the word "moneys" the words "appropriated by Parliament prior to the first day of July, one thousand nine hundred and twenty-eight, or expended as part of the 10 1926-27 and 1927-28 Federal Aid Roads programmes."

Sec. 30.  
(Assistance for develop-  
mental roads.)

9. The Principal Act is further amended by inserting at the end of Part VI the following new Part :—

Further amend-  
ment of Act No.  
24, 1924.  
New Part  
VIA.

PART VIA.

15 FEDERAL AID ROADS AGREEMENT.

DIVISION I—*Application of Part.*

31A. This Part shall apply to all works carried out under the Federal Aid Roads Agreement, including works in the Western Division.

Application  
of Part.

20 DIVISION II—*Federal Aid Roads Fund.*

*Receipts.*

31B. There shall be a Federal Aid Roads Fund consisting of—

Federal Aid  
Roads Fund.

- 25 (a) the moneys paid to the State of New South Wales by the Government of the Commonwealth of Australia under the terms of the said agreement ;  
(b) such sums as may be appropriated by Parliament from revenue for Federal Aid Roads subsidy ;  
30 (c) loans raised under any Loan Act and appropriated by Parliament for Federal Aid Roads subsidy ;  
(d) moneys transferred from the county of Cumberland Main Roads Fund ;  
35

(e)



*Main Roads (Amendment).*

- (e) moneys transferred from the Country Main Roads Fund ;
- (f) contributions by councils towards Federal Aid Road work on country main roads ;
- 5 (g) a sum not less than twenty thousand pounds to be appropriated by Parliament each year for eight years commencing the first day of July, one thousand nine hundred and twenty-eight, for Western Division roads subsidy.

10 *Expenditure.*

31c. (1) The Federal Aid Roads Fund shall be used by the Board for the permanent improvement of roads included in the Federal Aid Roads programme in any part of the State, including the Western Division, and for a proportion of the salaries and expenses of the Board and its staff and of any additional administrative expenses either of the Board or of councils to whom grants are made from the Federal Aid Roads Funds as provided in the Federal Aid Roads agreement.

20 (2) The Board shall pay to the Minister for Public Works from the Federal Aid Roads Fund for the construction of roads in the Western Division (excluding any part of the municipalities of Balranald and Hillston) the sum of seventy thousand pounds annually for a period of nine years commencing at first day of July, one thousand nine hundred and twenty-seven.

*Federal aid road works.*

30 31d. (1) The whole of the works carried out in the Eastern and Central Divisions of the State shall be carried out in accordance with and subject to the appropriate provisions of other Parts of this Act, as they relate to contributions by and assistance to councils and the carrying out of works, according to whether the works are on State highways, trunk roads, ordinary main roads, or developmental roads or in or outside the county of Cumberland, and the conditions,



*Main Roads (Amendment).*

conditions of maintenance which apply to trunk roads, and to ordinary main roads outside the county of Cumberland, and to developmental roads generally, shall apply to all works carried out on such roads.

(2) In connection with work done in the Western Division under the Federal Aid Roads Agreement—

- (a) the Under-Secretary for Public Works shall submit to the Board the necessary statements, drawings, specifications, estimates, certificates, and any other information which may be necessary for inclusion by the Board in its proposals to the Minister for programmes under that Act;
- (b) the Under-Secretary for Public Works shall submit to the Board such details and certificates of any expenditure as may be required by the Commonwealth Government under the Federal Aid Roads Agreement;
- (c) the responsibility for ensuring that the works done are satisfactorily carried out shall rest with the Minister for Public Works.

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

- (a) by inserting in subsection one of section thirty-two after the word “main” the word “secondary”;
- (b) by inserting at the end of section thirty-three the following new subsection:—
  - (3) Where a country main road passes through a city or town, any works for the construction or maintenance of the carriage-way shall, except in special cases approved by the Board, be limited to those which are necessary to provide a total width of road pavement of twenty feet.
- (c) by inserting at the end of section thirty-nine the following new subsection:—
  - (6) Where any sign or hoarding has been erected within the limits of any main road,

Further amendment of Act No. 24, 1924.

Sec. 32. (When Board may do work.)

Sec. 33. (What works may be carried out.)

Sec 39. (Control of main roads.)



*Main Roads (Amendment).*

whether with the permission of the council or not, the Board may, in any case where in the opinion of the Board the sign or hoarding is prejudicial to the safety of the travelling public direct the person responsible for its erection to remove it forthwith or within such period as the Board may fix, and such removal shall be done at the expense of the said person.

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

Further amend-  
ment of Act No.  
24, 1924.

10 (a) (i) by omitting from paragraph (b) of sub-  
section one of section forty-four the words  
“Part V” and by inserting in lieu thereof  
the words “section twenty-six”;

Sec. 44.

15 (ii) by omitting paragraph (c) of the same  
subsection;

(iii) by inserting at the end of the same sub-  
section the following words: “Where any  
council has informed the Board in writing  
that it concurs in the proposal no such  
notice shall be necessary.”

20 (b) by omitting section forty-six and by inserting  
in lieu thereof the following section:—

Enforcement  
of Act.  
cf. secs. 632  
and 633 of  
L.G. Act No.  
41, 1919.

25 46. (1) Where any matter or thing is by or  
under this Act directed or forbidden to be  
done or where the Board is authorised by this  
Act to direct any matter or thing to be done  
or to forbid any matter or thing to be done  
and such matter or thing if so directed to be  
done remains undone or if so forbidden to be  
done is done, then in every such case every  
30 person (including a council) offending against  
such direction or prohibition shall be guilty  
of an offence under this Act.

35 (2) The Board may at its discretion  
prior or subsequently to or in lieu of prosecut-  
ing for such offence do any such matter or  
thing and recover the costs and expenses  
thereof from such person in any court of  
competent jurisdiction.

(3)



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*Main Roads (Amendment).*

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5 (3) Each person guilty of an offence under this Act shall for every such offence be liable to the penalty expressly imposed, and if no penalty is so imposed, to a penalty not exceeding fifty pounds and to a further daily penalty not exceeding two pounds, and such penalty may be recovered by the Board.

10 (4) All costs, charges, expenses, or penalties recovered by the Board under this section shall be paid into the appropriate Main Roads Fund.

(c) by omitting subsection one of section forty-nine and by inserting in lieu thereof the following new subsection:—

15 (1) The Governor may, on the application of the Board, resume or appropriate land for the purpose of this Act, and may by proclamation vest the whole or part of such land in the Board, and may by the same or any subsequent proclamation declare the whole or part of such land to be a public road or public reserve, and may, if the Board so recommends, place it under the control of the council.

20 Such resumption or appropriation may be made in accordance with the provisions of the Public Works Act, 1912 (and any Acts amending that Act), mutatis mutandis, and for that purpose the Board shall be the "Constructing Authority," and shall take the place of the Minister for Public Works: Provided that it shall not be compulsory for the Board to take the whole of any parcel of vacant land in a case where the Board requires a portion only, except where the residue so left would be less in area than is required by the council for a building allotment and the owner so desires.

30 (d) By adding at the end of section fifty-three the following new subsections:—

35 (7) Upon such suspension the care, control and management of the Botany Road shall, subject to this Act, revert to the councils of the



*Main Roads (Amendment).*

the areas through which the road passes as if the Botany Road Trust Constitution Act, 1922, had not been passed.

5 (8) Upon such suspension all assets and liabilities of the Botany Road Trust shall be assets and liabilities of the Board, and all debts due to the Trust may be collected and recovered by the Board as debts due to it.

12. The Principal Act is further amended by inserting after section fifty-four the following new sections:—

Further amend-  
ment of Act  
No. 24, 1924.  
New ss. 55, 56,  
57, 58, 59, 60,  
61.

15 (55) In any agreement made between the Minister and any council, before the commence-  
ment of this Act, in relation to the repayment by the council of moneys provided by the Government for the improvement of roads which are now country main roads or developmental roads, the Board shall be deemed to be and to have been substituted for the Minister, and any moneys repaid by the council under the agreement shall be paid into the appropriate fund under this Act.

Old  
agreements  
transferred  
to Board.

25 56. The payment to councils by the Board from the Developmental Roads Fund of moneys in respect 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,  
past Com-  
monwealth  
cum-State  
grants.

30 57. The action of the Minister for Local Govern-  
ment in writing off the debt of the council of the municipality of Granville under the agreement of the fifteenth day of January, one thousand nine hundred and twenty-five, between that council and the said Minister relating to the reconditioning of Parramatta Road, is hereby validated, and section thirteen of this Act shall be deemed to extend to such debt.

Granville  
adjustment.

40 58. The levying by the Bulli Shire Council in the year one thousand nine hundred and twenty-six of a local rate in Riding C of the shire to make a contribution to the Board towards the cost of reconstruction of Prince's Highway is hereby validated.

Bulli adjust-  
ment.

59.



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*Main Roads (Amendment).*

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59. There shall be paid by the Treasurer to the County of Cumberland Main Roads Fund, the Country Main Roads Fund, and the Federal Aid Roads Fund interest at such rate per centum per annum as shall be agreed upon by the Treasurer and the Board on the monthly balance of each fund held in the Treasurer's Special Deposits Account.

Treasurer to  
pay interest  
on balances.

60. (1) The Board may, with the approval of the Governor, levy tolls and charges in connection with traffic across any bridge or ferry which may be constructed or established under the provisions of this Act upon any metropolitan main road or Country State highway.

Power to  
establish  
toll bridges  
and ferries.

(2) The Board may lease the running of any such ferry and the collection of tolls and charges on any such bridge or ferry by public tender on such terms as the Board may decide.

(3) All moneys received from tolls or charges collected or from the leasing of any ferry shall be paid into the appropriate Main Roads Fund.

(4) (a) Upon the recommendation of the Board ordinances may be made under the Local Government Act, 1919, for and with respect to—

(i) the fixing of the amounts of the tolls and charges to be imposed by the Board or by any lessee acting under agreement with the Board;

(ii) the control, management, maintenance and protection of the bridge or ferry ;

(iii) the regulation, restriction or suspension of the use by the public of the bridge or ferry.

(b) 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.

61. (1) Where for the purposes of widening a main road a part only of any house, factory, or other building is resumed, appropriated, or purchased by the Board, the owner thereof at the time of

Re-establish-  
ment of  
resumed  
buildings.



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*Main Roads (Amendment).*

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of such resumption, appropriation, or purchase, shall be entitled to make any replacements, alterations, and extensions to the house, factory, or building in materials similar to and of the quality of the materials of the several parts replaced, altered, or extended, and ~~to this extent any building ordinances or~~ **so far as the class or quality of such materials is concerned, the provisions of the Local Government Act, 1919, and any ordinances thereunder with regard to buildings, and any building regulations of the council in whose area such resumption, appropriation, or purchase has been made shall not apply, provided that—**

(a) such action shall be limited to the re-establishment of accommodation not greater than that which existed prior to the resumption, appropriation, or purchase; and

(b) the owner shall not be entitled to take advantage of this subsection for the purpose of rebuilding any house, factory, or building which has been entirely demolished.

(2) Where for the purpose of widening a main road, the whole of any house, factory, or other building is resumed, appropriated, or purchased by the Board, and **if in the opinion of the Board** it is necessary to demolish a part thereof only, the Board may—

(a) arrange such demolition and make such alterations or extensions to the residue as it thinks fit, ~~any building regulations or ordinances~~ **the provisions of the Local Government Act, 1919, and any ordinances thereunder, or any building regulations of the council notwithstanding;**

(b) sell any residue not required for road purposes, either with or without the condition that the purchaser shall remove from the land required for road purposes the portion of the house, factory, or building thereon, and the purchaser shall be entitled

to



*Main Roads (Amendment).*

to make any replacement, alteration, or extension to the residue in the same manner as if an owner from whom the land was resumed, appropriated, or purchased.

- 5 62. If any council fails to make any contribution Interest on amounts owing to the Board.  
under this Act on the due date or fails to pay on  
the due date any instalment in pursuance of any  
agreement made under this Act, such contribution  
or instalment shall from and after the due date for  
10 payment thereof bear interest at the rate of six per  
centum per annum, and such interest shall be  
considered as accruing from day to day: Provided  
that the Board may in any case remit the payment  
of such interest wholly or in part or may grant an  
15 extension of time for the payment of all or any part  
of such interest.

13. The Local Government Act, 1919, as amended Amendment of Act No. 41, 1919.  
by subsequent Acts, is amended— Sec. 181c.

- 20 (a) (i) by inserting at the end of subsection  
one of section 181c the following words:—

Provided that the Governor's approval under this section shall not be given to any further loans after the thirtieth day of June, one thousand nine hundred and thirty;

- 25 (ii) by inserting after subsection four of the same section the following new subsection:—

30 (4A) Where the construction of the main road is carried out by the Main Roads Board of New South Wales, the moneys from such loan shall be paid into the County of Cumberland Main Roads Fund.

35 (4B) Any such loan may be repaid by the Main Roads Board of new South Wales direct to the lender;

- (b) by inserting at the commencement of sub-Sec. 183.  
section one of section one hundred and eighty-three the words "subject to the provisions of this Act."



The State of Texas, County of \_\_\_\_\_

do hereby certify that the within and foregoing is a true and correct copy of the original as the same appears on the records of the County Clerk of said County.

Witness my hand and the seal of said County at the City of \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

County Clerk

Notary Public

My Commission Expires \_\_\_\_\_

Notary Public

I, \_\_\_\_\_, County Clerk of said County, do hereby certify that the within and foregoing is a true and correct copy of the original as the same appears on the records of the County Clerk of said County.

Witness my hand and the seal of said County at the City of \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

County Clerk

Notary Public

My Commission Expires \_\_\_\_\_

Notary Public

My Commission Expires \_\_\_\_\_

Notary Public

My Commission Expires \_\_\_\_\_

Notary Public

My Commission Expires \_\_\_\_\_

Notary Public

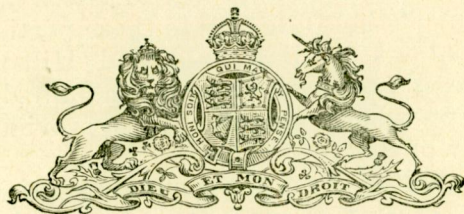
My Commission Expires \_\_\_\_\_



*This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY,  
and, having this day passed, is now ready for presentation to the  
LEGISLATIVE COUNCIL for its concurrence.*

*S. G. BOYDELL,  
Clerk of the Legislative Assembly.  
Legislative Assembly Chamber,  
Sydney, 26 March, 1929, A.M.*

## **New South Wales.**



ANNO UNDEVICESIMO

# **GEORGII V REGIS.**

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**Act No. , 1929.**

An Act to amend the Main Roads Act, 1924--1927;  
to confer certain further powers upon the  
Main Roads Board; to amend the Local  
Government Act, 1919, and certain other  
Acts; to validate certain payments and  
other matters; and for purposes connected  
therewith.



*Main Roads (Amendment).*

**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, 1929," and shall be read and construed with the Main Roads Act, 1924-1927, in this Act referred to as the Principal Act. Short title, citation, &c.

(2) The Principal Act, as amended by this Act, may be cited as the "Main Roads Act, 1924-1929."

**2.** The Principal Act is amended by omitting subsection two of section one, and by inserting in lieu thereof the following new subsections:— Amendment of Act No. 24, 1924, s. 1.

(2) This Act shall apply to the Eastern and Central Divisions of the State, and to those portions of the municipalities of Balranald and Hillston which are in the Western Division of the State, but shall not (except where specifically so provided) apply to the city of Sydney. (Application of Act.)

(3) This Act shall apply to the remaining portion of the Western Division to such an extent and in such regard only as is specifically provided.

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

(a) by inserting in section three at the end of the definition of the word "area" the following words: "and any irrigation area within which or with regard to which this Act applies";

(b) by omitting from the same section the definition of the word "Construct" and by inserting in lieu thereof the following definition:—

"Construct" includes "reconstruct" and also "carry out any permanent improvement"; and "construction" has a corresponding meaning.

(c) by omitting from the same section the definition of the word "Council" and by inserting in lieu thereof the following definition:—

"Council" means the council of any municipality or shire and includes the

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



*Main Roads (Amendment).*

the Municipal Council of Sydney;  
and in relation to any irrigation area  
or part thereof which is not a mun-  
5      cipality or shire includes the Water  
Conservation and Irrigation Com-  
mission.

(d) by inserting in the same section after the  
definition of "Country main road" the follow-  
10      ing definition:—

"Country State highway" means a State  
highway outside the county of Cum-  
berland.

(e) by inserting in the same section after the  
definition of "Metropolitan main road" the  
15      following definition:—

"Metropolitan State highway" means a  
State highway in the county of  
Cumberland.

(f) by inserting in the same section after the  
definition of "Minister" the following defini-  
20      tion:—

"Ordinary main road" means a main  
road not proclaimed a State highway  
or a trunk road.

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

"State highway" means any main road  
30      being a principal avenue of road  
communication between the coast  
and the interior or throughout the  
State and connecting with such  
avenues in other States, and pro-  
claimed a State highway under this  
35      Act or any part of such State highway.

(h) by inserting in the same section after the  
definition of "Treasurer" the following defini-  
40      tion:—

"Trunk road" means any main road  
being a secondary avenue of road  
communication forming with the  
State



*Main Roads (Amendment).*

State highways and other trunk roads  
a framework of a general system of  
intercommunication throughout the  
State and proclaimed a trunk road  
under this Act or any part of such  
trunk road.

5

- (i) by omitting from subsection two of section Sec.4.  
four the words "municipality or shire" and (Adaptation  
by inserting in lieu thereof the word "area." of Acts.)

10 **4.** (1) The Principal Act is further amended by Further  
omitting subsection two of section seven and by insert- amendment  
ing in lieu thereof the following subsection:— of Act No. 24,  
1924.

15 (2) (a) The Board may appoint and employ  
such officers as it thinks necessary to assist in the  
execution of this Act and shall, subject to the  
provisions of the Industrial Arbitration Act, 1912,  
as amended by subsequent Acts, determine the  
salaries, wages, allowances, and conditions of  
employment of officers so appointed.

20 Upon the recommendation of the Board ordin-  
ances may also be made under the Local Govern-  
ment Act, 1919, regulating the conditions and  
terms of employment of officers and employees of  
the Board.

25 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 such ordinances.

30 (b) Any officer of the Public Service  
appointed to the service of the Board either before  
or after the commencement of this section shall—

- (i) have the same right to consideration for any  
appointment in the Public Service as is pro-  
vided by the Public Service Act, 1902, for  
an officer of the Public Service;  
(ii) continue to contribute to the Superannuation  
Fund in accordance with the Superannuation  
Act, 1916, and be entitled to the benefits  
under that Act in respect of which he has  
contributed;

40

(iii)



*Main Roads (Amendment).*

- (iii) be entitled to retain any rights accrued or accruing under the Public Service Act, 1902, or any Act amending the same in respect of leave or otherwise.

5 Service in the Public Service shall be deemed service with the Board and the provisions of section fourteen of the Public Service (Amendment) Act, 1919, shall be deemed to extend to such officer.

10 (2) Any person appointed to any office on the staff of the Board under the provisions of subsection two of section seven of the Main Roads Act, 1924-1927, as originally enacted, and holding office at the commencement of this section, shall be deemed to have been appointed under subsection two of section seven of the  
15 Main Roads Act, 1924-1927, as inserted by this section.

(3) This section shall commence on a day to be appointed by the Governor, and proclaimed.

5. The Principal Act is further amended—

- 20 (a) (i) by inserting in subsection one of section eight the words "and by the same or a subsequent proclamation give and notify numbers and names to each main road";  
(ii) by inserting at the end of the same section the following subsections:—

25 (8) It shall not be necessary to proclaim any correction of a route of a main road, or any relocation of or alteration to the route of any portion of a main road  
30 adopted by or with the approval of the Board for the purpose of securing better alignment or gradients, or making better provision for public service.

35 This subsection shall be deemed to have come into operation at the commencement of this Act.

40 (9) 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, defining the routes, and rearranging the numbers and names of any main roads.

Further amend-  
ment of Act No.  
24, 1924, s. 8.  
(Proclamation of  
main roads.)

It



*Main Roads (Amendment).*

It shall not be necessary for the Board to give any notice under section forty-four prior to such re proclamation.

- 5 (b) by inserting in subsection three of section nine after the word "Mountains" the words Sec. 9.  
(Application  
of Part IV.)  
"together with that portion of the Bulli Shire which is included in and within the zig-zag section of the Bulli Pass main road, and those  
10 portions of the Colo Shire and the Blaxland Shire which comprise main road number one hundred and eighty-four and the land lying between that road, and the Blue Mountains Shire";

- 15 (c) (i) by omitting paragraph (c) of subsection one of section ten; and Sec. 10.  
(Cumberland  
Main Roads  
Fund.)  
(ii) by inserting at the end of the same subsection the following new paragraphs:—

20 (h) loans raised by councils for the construction of main roads in the county of Cumberland under the provisions of section 181c of the Local Government Act, 1919;

25 (i) any moneys received by the Board from tolls, fees, or charges in connection with any bridge, ferry, or other thing in the county of Cumberland.

30 Where a bridge or ferry is a boundary work between the county of Cumberland and the country, one half the tolls or charges received therefrom shall be paid into the County of Cumberland Main Roads Fund.

35 (j) Any moneys paid to the Board for the credit of that Fund in pursuance of any Act;

- (d) by inserting at the end of section twelve the following new subsections:— Sec. 12.  
(Use of  
Fund.)

40 (2) The Board shall pay from the County of Cumberland Main Roads Fund to the Federal Aid Roads Fund established under this Act such sums as, together with any moneys voted by



*Main Roads (Amendment).*

by Parliament towards works carried out under the Federal Aid Roads Agreement, are necessary to provide the quota of State moneys required under that agreement against the expenditure of Commonwealth moneys on main roads in the county of Cumberland.

(3) The Board shall on the thirtieth day of June in each year commencing on the thirtieth day of June, one thousand nine hundred and thirty-seven, pay from the county of Cumberland Main Roads Fund into the sinking fund provided under the Federal Aid Roads Agreement an amount equal to three pounds per centum per annum accruing from day to day on each amount of loan moneys included in an instalment provided by the State and expended on main roads in the county of Cumberland, until the amount paid into the sinking fund under subclauses two and three of clause four of the said agreement is sufficient to repay the loan moneys so appropriated.

- (e) (i) by omitting from subsection two of section <sup>Sec. 13.</sup> thirteen the word and figures "1923-24 (Financial and 1924-25" and by inserting in lieu <sup>a ljustments.)</sup> thereof the word and figures "and 1923-24";
- (ii) by inserting after the word "roads" at the end of paragraph (a) of subsection four of the same section the words "prior to the first day of July, one thousand nine hundred and twenty-eight";
- (iii) by inserting after subsection four of the same section the following new subsection:—

(4A) The Board shall each year pay to the Treasurer from the County of Cumberland Main Roads Fund for the credit of Consolidated Revenue Fund and General Loan Account respectively such sums as may be required to provide for interest and repayment of loans appropriated for metropolitan main roads after the first day of July,



*Main Roads (Amendment).*

July, one thousand nine hundred and twenty-eight, and required by the Treasurer to be repaid.

5 The terms and conditions of repayment shall be as agreed upon by the Board and the Treasurer.

6. The Principal Act is further amended by inserting next after section eighteen the following new sections :—

Further amendment of Act No. 24, 1924.

10 18A. (1) Every secondary road shall be maintained by the council of the area in which it is situated to the satisfaction of the Board.

New secs. 18A, 18B.

15 (2) If the council fails to maintain any such road, the Board may serve notice on the council requiring it to carry out, within a period to be named in the notice, such works of maintenance as are specified in the notice.

Maintenance of secondary roads.

If the council fails to comply with any such requirement the Board may carry out such works.

20 (3) Any costs and expenses of carrying out such works incurred by the Board shall be shared between the council and the Board in accordance with any agreement in that behalf, or, if there be none, in such proportions as the Board may decide.

25 The council's share shall be repaid to the Board by the council within three months after the demand by the Board.

18B. (1) The Governor may, on the recommendation of the Board, proclaim any metropolitan main road to be a metropolitan State highway.

30 (2) The Governor may on the recommendation of the Board, by proclamation amend or rescind any such proclamation.

7. The Principal Act is further amended—

Further amendment of Act No. 24, 1924.

35 (a) by omitting section nineteen and by inserting in lieu thereof the following section :—

19. (1) This Part shall apply to all areas which are wholly or partly outside the county of Cumberland and in the Eastern and Central Divisions of the State and to those parts of the

Substituted s. 19. (Application of Part V.)



*Main Roads (Amendment).*

the municipalities of Balranald and Hillston which are in the Western Division of the State and shall apply in respect of the whole area or of the part, as the case may be.

5 (2) This Part shall apply to the remaining portion of the Western Division to such extent and in such regard only as is specifically provided.

10 (b) (i) by omitting paragraph (b) of subsection one of section twenty;  
(ii) by inserting the following new paragraphs at the end of the same subsection:—

15 (g) any moneys received by the Board from tolls, fees, or charges in connection with any bridge, ferry, or other thing outside the county of Cumberland.

20 Where any bridge or ferry is a boundary work between the county of Cumberland and the country, one-half the tolls or charges received on account thereof shall be paid into the Country Main Roads Fund;

25 (h) any moneys paid to the Board for the credit of that fund in pursuance of any Act.

30 (c) (i) by inserting in subsection one of section twenty-one after the words "maintenance of country main roads" the words "including those in the Western Division referred to in subsection four of this section;

35 (ii) by inserting after the word "roads" at the end of paragraph (a) of subsection two of the same section the words "prior to the first day of July one thousand nine hundred and twenty-eight";

(iii) by inserting at the end of the same section the following new subsections:—

40 (3) The Board shall in each year pay to the Treasurer from the Country Main Roads Fund for the credit of Consolidated Revenue Fund

Sec. 20.  
(County of  
Cumberland  
Main Roads  
Fund.)

Section 21.  
Expenditure.



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*Main Roads (Amendment).*

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Fund and General Loan Account respectively, such sums as may be required to provide for interest and repayment of loans appropriated for country main roads after the first day of July, one thousand nine hundred and twenty-eight, and required by the Treasurer to be repaid.

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The terms and conditions of such repayment shall be as agreed upon by the Board and the Treasurer.

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(4) After a date to be proclaimed the Board shall pay annually to the Minister for Public Works from the Country Main Roads Fund the sum of one thousand three hundred pounds for the assistance of the councils of the municipalities of Bourke, Brewarrina, Broken Hill, Cobar, Wentworth, and Wilcannia in the Western Division in the maintenance and construction of those portions of proclaimed main roads within those municipalities.

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(5) The Board shall pay from the Country Main Roads Fund to the Federal Aid Roads Fund established under this Act such sums as, together with any moneys voted by Parliament and contributed by councils as provided for in this Part and Part VIA towards works carried out under the Federal Aid Roads Agreement, are necessary to provide the quota of State moneys required under that agreement against the expenditure of Commonwealth moneys incurred on main roads outside the county of Cumberland.

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(6) The Board shall, on the thirtieth day of June in each year commencing on the thirtieth day of June, one thousand nine hundred and thirty-seven, pay from the Country Main Roads Fund into the sinking fund provided under the Federal Aid Roads Agreement an amount equal to three pounds



*Main Roads (Amendment).*

5 pounds per centum per annum accruing from day to day on each amount of loan moneys included in an instalment provided by the State and expended on main roads outside the county of Cumberland until the amount paid into the sinking fund under subclauses two and three of clause four of the said agreement is sufficient to repay the loan moneys so appropriated.

10 (d) by inserting the following new short headings <sup>New ss.</sup> and sections at the commencement of Division <sup>21A-21D.</sup> 3 of Part V :—

*Classification of country main roads.*

15 21A. (1) The Governor may, on the recom- <sup>Country</sup> mendation of the Board, proclaim any country <sup>State</sup> main road to be a country State highway or <sup>highways and</sup> trunk roads. <sup>trunk roads.</sup> a trunk road.

(2) The Governor may, on the recom- mendation of the Board, by proclamation amend or rescind any such proclamation.

20 (3) The roads which may be recom- mended by the Board as trunk roads shall be the secondary avenues of road communication forming with the State highways and other trunk roads a framework of a general system of intercommunication throughout the State.

*Country State highways.*

21B. (1) The Board shall decide what works <sup>Decision as to</sup> of construction or maintenance shall be carried <sup>works.</sup> out on a country State highway.

30 (2) Before deciding, the Board shall consider the representations, if any, of the councils of the areas in which the work will be situated.

35 21C. (1) Where the Board has decided that <sup>Who to</sup> any work of construction or maintenance is <sup>execute the</sup> necessary on a State highway the Board may, <sup>work.</sup> except where authorised by the Governor to carry



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*Main Roads (Amendment).*

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carry out the work, offer to place the carrying out of the work in the hands of the council, and to make an agreement with the council accordingly.

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(2) Where an agreement is made, the Board shall pay the cost, or instalments thereof, from the Country Main Roads Fund to the council in trust, to be expended on the said works in accordance with the agreement, and the council shall account to the Board therefor, provided that—

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(a) where a country State highway coincides with any road of a city or town, and the Board decides to widen such road, the Board may require any council through whose area the widening is carried out, to bear one-third of the cost of such widening; and

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(b) where a country State highway coincides with any road of a city or town, and water or gas mains or other public utilities exist in the road, the Board may make arrangements with the authority controlling the mains or public utility for the removal of the mains or public utilities to other positions in the road, and any council through whose area the removals take place shall, if the Board so requires it, reimburse the Board one-third of the costs and expenses so incurred by it;

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(c) any payment due to the Board in accordance with the preceding paragraphs shall be paid to the Board by a council within three months after demand by the Board.

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(3) The Governor may, in any special case, direct that work be carried out by the Board.

(4) All work entrusted to a council shall be carried out to the satisfaction of the Board.

21D.



*Main Roads (Amendment).*

21D. Where at the first day of July, one thousand nine hundred and twenty-eight, any council owed the Board any sum of money in respect of the construction or reconstruction of any road which, prior to the first day of July, one thousand nine hundred and twenty-nine, is proclaimed a country State highway, the Board shall, upon payment by the council of the instalments of interest and principal and any additional sum which fell due before the former date, write off any remaining balance of the debt, and any agreement between the Board and any council relating to such payments shall be cancelled, save so far as the agreement relates to works off that portion of the carriage-way of the road with which the Board is concerned.

Arrange-  
ments  
entered into  
with councils  
prior to 1st  
July, 1928.

- (e) by inserting the following short heading immediately before section twenty-two:—

Sec. 22.  
(Assistance  
to councils.)

*Trunk roads and ordinary main roads.*

- (f) (i) by omitting subsection one of section twenty-four and by inserting in lieu thereof the following subsection:—

(1) the Board shall not require any council or group of councils to contribute more than one-third in the case of a trunk road, or one-half in the case of an ordinary main road, of the cost of any work of construction or maintenance for which assistance is granted by the Board.

Contributions  
by councils.

Where any portion of the cost of the work is contributed to by the Commonwealth Government under the Federal Aid Roads Agreement, the council's contribution shall not exceed the above proportions of the State's share of such cost.

The Board may accept voluntary offers from councils to contribute a greater proportion of the cost of a work than is prescribed in this subsection.

The



*Main Roads (Amendment).*

The Board may also, where circumstances justify it, grant assistance to a greater extent than is so prescribed, even to the whole cost of a work.

- 5 (ii) by inserting in paragraph (a) of subsection two of the same section, after the words "the work" the words "the probable life of the work";
- 10 (g) by inserting after section twenty-seven the following new short heading and section:—

*Western Division.*

15 27A. (1) Subject to the provisions of section 21D of this Act, any agreement entered into between the Board and any of the councils of the municipalities of Bourke, Brewarrina, Broken Hill, Cobar, Wentworth, and Wilcannia, prior to the commencement of the Main Roads (Amendment) Act, 1929, in connection with works of maintenance or construction on main roads within those municipalities shall be carried out.

20 (2) The Board shall not be concerned to see to the application of any moneys paid to any such council by the Minister for Public Works out of the amount paid by the Board to him in pursuance of section twenty-one, and the responsibility for its proper application shall rest upon the said Minister.

8. The Principal Act is further amended—

- 30 (a) by inserting after section twenty-nine the following new section:—

35 29A. (1) Any bridge which is a national work and which is part of a developmental road may by proclamation be handed over either temporarily or permanently to the Board, and shall thereupon be maintained, managed, and administered by the Board, and shall cease either temporarily or permanently to be a national work.

Further amendment of Act No. 24, 1924.

New s. 29A.

Bridges which are national works.

(2)



*Main Roads (Amendment).*

(2) The cost of such maintenance, management, and administration shall be defrayed out of the Developmental Roads Fund.

- 5 (b) by inserting in subsection four of section thirty after the word "moneys" the words "appropriated by Parliament prior to the first day of July, one thousand nine hundred and twenty-eight, or expended as part of the 10 1926-27 and 1927-28 Federal Aid Roads programmes."

9. The Principal Act is further amended by inserting at the end of Part VI the following new Part :—

Sec. 30.  
(Assistance for develop-  
mental roads.)  
Further amend-  
ment of Act No.  
24, 1921.  
New Part  
VIa.

PART VIA.

15 FEDERAL AID ROADS AGREEMENT.

DIVISION I—*Application of Part.*

31A. This Part shall apply to all works carried out under the Federal Aid Roads Agreement, including works in the Western Division.

20 DIVISION II—*Federal Aid Roads Fund.*  
*Receipts.*

31B. There shall be a Federal Aid Roads Fund consisting of—

- 25 (a) the moneys paid to the State of New South Wales by the Government of the Commonwealth of Australia under the terms of the said agreement ;  
(b) such sums as may be appropriated by Parliament from revenue for Federal Aid Roads subsidy ;  
30 (c) loans raised under any Loan Act and appropriated by Parliament for Federal Aid Roads subsidy ;  
35 (d) moneys transferred from the county of Cumberland Main Roads Fund ;

(e)



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*Main Roads (Amendment).*

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- (e) moneys transferred from the Country Main Roads Fund ;
- (f) contributions by councils towards Federal Aid Road work on country main roads ;
- 5 (g) a sum not less than twenty thousand pounds to be appropriated by Parliament each year for eight years commencing the first day of July, one thousand nine hundred and twenty-eight, for Western Division roads subsidy.

*Expenditure.*

- 10 31c. (1) The Federal Aid Roads Fund shall be used by the Board for the permanent improvement of roads included in the Federal Aid Roads programme in any part of the State, including the Western Division, and for a proportion of the salaries and expenses of the Board and its staff and of any additional administrative expenses either of the Board or of councils to whom grants are made from the Federal Aid Roads Funds as provided in the Federal Aid Roads agreement.
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- (2) The Board shall pay to the Minister for Public Works from the Federal Aid Roads Fund for the construction of roads in the Western Division (excluding any part of the municipalities of Balranald and Hillston) the sum of seventy thousand pounds annually for a period of nine years commencing at first day of July, one thousand nine hundred and twenty-seven.
- 25

*Federal aid road works.*

- 30 31d. (1) The whole of the works carried out in the Eastern and Central Divisions of the State shall be carried out in accordance with and subject to the appropriate provisions of other Parts of this Act, as they relate to contributions by and assistance to councils and the carrying out of works, according to whether the works are on State highways, trunk roads, ordinary main roads, or developmental roads or in or outside the county of Cumberland, and the conditions,
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*Main Roads (Amendment).*

conditions of maintenance which apply to trunk roads, and to ordinary main roads outside the county of Cumberland, and to developmental roads generally, shall apply to all works carried out on such roads.

(2) In connection with work done in the Western Division under the Federal Aid Roads Agreement—

(a) the Under-Secretary for Public Works shall submit to the Board the necessary statements, drawings, specifications, estimates, certificates, and any other information which may be necessary for inclusion by the Board in its proposals to the Minister for programmes under that Act ;

(b) the Under-Secretary for Public Works shall submit to the Board such details and certificates of any expenditure as may be required by the Commonwealth Government under the Federal Aid Roads Agreement ;

(c) the responsibility for ensuring that the works done are satisfactorily carried out shall rest with the Minister for Public Works.

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

(a) by inserting in subsection one of section thirty-two after the word “main” the word “secondary” ;

Further amendment of Act No. 24, 1924.  
Sec. 32.  
(When Board may do work.)

(b) by inserting at the end of section thirty-three the following new subsection :—

(3) Where a country main road passes through a city or town, any works for the construction or maintenance of the carriage-way shall, except in special cases approved by the Board, be limited to those which are necessary to provide a total width of road pavement of twenty feet.

Sec. 33.  
(What works may be carried out.)

(c) by inserting at the end of section thirty-nine the following new subsection :—

(6) Where any sign or hoarding has been erected within the limits of any main road, whether

Sec 39.  
(Control of main roads.)



*Main Roads (Amendment).*

5 whether with the permission of the council or not, the Board may, in any case where in the opinion of the Board the sign or hoarding is prejudicial to the safety of the travelling public direct the person responsible for its erection to remove it forthwith or within such period as the Board may fix, and such removal shall be done at the expense of the said person.

**11.** The Principal Act is further amended—Further amend-  
ment of Act No.  
24, 1924.

- 10 (a) (i) by omitting from paragraph (b) of sub-  
section one of section forty-four the words  
"Part V" and by inserting in lieu thereof  
the words "section twenty-six";
- 15 (ii) by omitting paragraph (c) of the same  
subsection;
- (iii) by inserting at the end of the same sub-  
section the following words: "Where any  
council has informed the Board in writing  
that it concurs in the proposal no such  
20 notice shall be necessary."
- (b) by omitting section forty-six and by inserting Sec. 46.  
in lieu thereof the following section:—

25 46. (1) Where any matter or thing is by or  
under this Act directed or forbidden to be  
done or where the Board is authorised by this  
Act to direct any matter or thing to be done  
or to forbid any matter or thing to be done  
and such matter or thing if so directed to be  
done remains undone or if so forbidden to be  
done is done, then in every such case every  
30 person (including a council) offending against  
such direction or prohibition shall be guilty  
of an offence under this Act.

35 (2) The Board may at its discretion  
prior or subsequently to or in lieu of prosecut-  
ing for such offence do any such matter or  
thing and recover the costs and expenses  
thereof from such person in any court of  
competent jurisdiction.

(3)



*Main Roads (Amendment).*

(3) Each person guilty of an offence under this Act shall for every such offence be liable to the penalty expressly imposed, and if no penalty is so imposed, to a penalty not exceeding fifty pounds and to a further daily penalty not exceeding two pounds, and such penalty may be recovered by the Board.

(4) All costs, charges, expenses, or penalties recovered by the Board under this section shall be paid into the appropriate Main Roads Fund.

(c) by omitting subsection one of section forty-nine and by inserting in lieu thereof the following new subsection:—

(1) The Governor may, on the application of the Board, resume or appropriate land for the purpose of this Act, and may by proclamation vest the whole or part of such land in the Board, and may by the same or any subsequent proclamation declare the whole or part of such land to be a public road or public reserve, and may, if the Board so recommends, place it under the control of the council.

Such resumption or appropriation may be made in accordance with the provisions of the Public Works Act, 1912 (and any Acts amending that Act), mutatis mutandis, and for that purpose the Board shall be the "Constructing Authority," and shall take the place of the Minister for Public Works: Provided that it shall not be compulsory for the Board to take the whole of any parcel of vacant land in a case where the Board requires a portion only, except where the residue so left would be less in area than is required by the council for a building allotment and the owner so desires.

(d) By adding at the end of section fifty-three the following new subsections:—

(7) Upon such suspension the care, control and management of the Botany Road shall, subject to this Act, revert to the councils of the

Sec. 49 (1).  
Resumption  
of land.

Botany  
Road.



*Main Roads (Amendment).*

the areas through which the road passes as if the Botany Road Trust Constitution Act, 1922, had not been passed.

5 (S) Upon such suspension all assets and liabilities of the Botany Road Trust shall be assets and liabilities of the Board, and all debts due to the Trust may be collected and recovered by the Board as debts due to it.

10 **12.** The Principal Act is further amended by inserting after section fifty-four the following new sections:—

Further amend-  
ment of Act,  
No. 24, 1924.  
New ss. 55, 56,  
57, 58, 59, 60  
61.  
Old  
agreements  
transferred  
to Board.

15 (55) In any agreement made between the Minister and any council, before the commence-  
ment of this Act, in relation to the repayment by the council of moneys provided by the Government for  
the improvement of roads which are now country  
main roads or developmental roads, the Board shall  
be deemed to be and to have been substituted for the  
Minister, and any moneys repaid by the council  
20 under the agreement shall be paid into the appro-  
priate fund under this Act.

25 56. The payment to councils by the Board from the Developmental Roads Fund of moneys in respect  
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,  
past Com-  
monwealth-  
cum-State  
grants.

30 57. The action of the Minister for Local Govern-  
ment in writing off the debt of the council of the  
municipality of Granville under the agreement of  
the fifteenth day of January, one thousand nine  
hundred and twenty-five, between that council and  
the said Minister relating to the reconditioning of  
Parramatta Road, is hereby validated, and section  
35 thirteen of this Act shall be deemed to extend to  
such debt.

Granville  
adjustment.

40 58. The levying by the Bulli Shire Council in the year one thousand nine hundred and twenty-  
six of a local rate in Riding C of the shire to make  
a contribution to the Board towards the cost of re-  
construction of Prince's Highway is hereby vali-  
dated.

Bulli adjust-  
ment.



*Main Roads (Amendment).*

59. There shall be paid by the Treasurer to the County of Cumberland Main Roads Fund, the Country Main Roads Fund, and the Federal Aid Roads Fund interest at such rate per centum per annum as shall be agreed upon by the Treasurer and the Board on the monthly balance of each fund held in the Treasurer's Special Deposits Account.

Treasurer to pay interest on balances.

60. (1) The Board may, with the approval of the Governor, levy tolls and charges in connection with traffic across any bridge or ferry which may be constructed or established under the provisions of this Act upon any metropolitan main road or Country State highway.

Power to establish toll bridges and ferries.

(2) The Board may lease the running of any such ferry and the collection of tolls and charges on any such bridge or ferry by public tender on such terms as the Board may decide.

(3) All moneys received from tolls or charges collected or from the leasing of any ferry shall be paid into the appropriate Main Roads Fund.

(4) (a) Upon the recommendation of the Board ordinances may be made under the Local Government Act, 1919, for and with respect to—

(i) the fixing of the amounts of the tolls and charges to be imposed by the Board or by any lessee acting under agreement with the Board;

(ii) the control, management, maintenance and protection of the bridge or ferry;

(iii) the regulation, restriction or suspension of the use by the public of the bridge or ferry.

(b) 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.

61. (1) Where for the purposes of widening a main road a part only of any house, factory, or other building is resumed, appropriated, or purchased by the Board, the owner thereof at the time of

Re-establishment of resumed buildings.



*Main Roads (Amendment).*

of such resumption, appropriation, or purchase, shall be entitled to make any replacements, alterations, and extensions to the house, factory, or building in materials similar to and of the quality  
 5 of the materials of the several parts replaced, altered, or extended, and to this extent any building ordinances or regulations of the council in whose area such resumption, appropriation, or purchase has been made shall not apply, provided that—

10 (a) such action shall be limited to the re-establishment of accommodation not greater than that which existed prior to the resumption, appropriation, or purchase; and

15 (b) the owner shall not be entitled to take advantage of this subsection for the purpose of rebuilding any house, factory, or building which has been entirely demolished.

(2) Where for the purpose of widening a main road, the whole of any house, factory, or  
 20 other building is resumed, appropriated, or purchased by the Board, and it is necessary to demolish a part thereof only, the Board may—

25 (a) arrange such demolition and make such alterations or extensions to the residue as it thinks fit, any building regulations or ordinances of the council notwithstanding;

30 (b) sell any residue not required for road purposes, either with or without the condition that the purchaser shall remove from the land required for road purposes the portion of the house, factory, or building thereon, and the purchaser shall be entitled to make any replacement, alteration, or extension to the residue in the same manner  
 35 as if an owner from whom the land was resumed, appropriated, or purchased.

40 62. If any council fails to make any contribution under this Act on the due date or fails to pay on the due date any instalment in pursuance of any agreement made under this Act, such contribution or instalment shall from and after the due date for  
 payment

Interest on  
 amounts  
 owing to  
 the Board.



*Main Roads (Amendment).*

5 payment thereof bear interest at the rate of six per centum per annum, and such interest shall be considered as accruing from day to day: Provided that the Board may in any case remit the payment of such interest wholly or in part or may grant an extension of time for the payment of all or any part of such interest.

**13.** The Local Government Act, 1919, as amended by subsequent Acts, is amended—

Amendment  
of Act No. 41,  
1919.  
Sec. 181c.

10 (a) (i) by inserting at the end of subsection one of section 181c the following words:—

Provided that the Governor's approval under this section shall not be given to any further loans after the thirtieth day of June, one thousand nine hundred and thirty;

15 (ii) by inserting after subsection four of the same section the following new subsection:—

20 (4A) Where the construction of the main road is carried out by the Main Roads Board of New South Wales, the moneys from such loan shall be paid into the County of Cumberland Main Roads Fund.

25 (4B) Any such loan may be repaid by the Main Roads Board of new South Wales direct to the lender;

30 (b) by inserting at the commencement of subsection one of section one hundred and eighty-three the words "subject to the provisions of this Act."

Sec. 183.



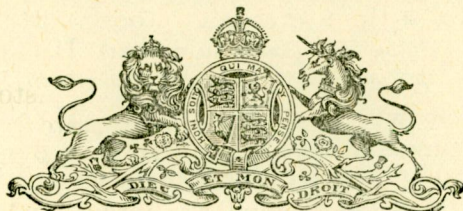




*This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY,  
and, having this day passed, is now ready for presentation to the  
LEGISLATIVE COUNCIL for its concurrence.*

S. G. BOYDELL,  
*Clerk of the Legislative Assembly.*  
*Legislative Assembly Chamber,*  
*Sydney, 26 March, 1929, A.M.*

## New South Wales.



ANNO UNDEVICESIMO

## GEORGII V REGIS.

\*\*\*\*\*

Act No. , 1929.

An Act to amend the Main Roads Act, 1924--1927;  
to confer certain further powers upon the  
Main Roads Board; to amend the Local  
Government Act, 1919, and certain other  
Acts; to validate certain payments and  
other matters; and for purposes connected  
therewith.



*Main Roads (Amendment).*

**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, 1929," and shall be read and construed with the Main Roads Act, 1924-1927, in this Act referred to as the Principal Act. Short title, citation, &c.

(2) The Principal Act, as amended by this Act, may be cited as the "Main Roads Act, 1924-1929."

**2.** The Principal Act is amended by omitting subsection two of section one, and by inserting in lieu thereof the following new subsections:— Amendment of Act No. 24, 1924, s. 1.

(2) This Act shall apply to the Eastern and Central Divisions of the State, and to those portions of the municipalities of Balranald and Hillston which are in the Western Division of the State, but shall not (except where specifically so provided) apply to the city of Sydney. (Application of Act.)

(3) This Act shall apply to the remaining portion of the Western Division to such an extent and in such regard only as is specifically provided.

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

(a) by inserting in section three at the end of the definition of the word "area" the following words: "and any irrigation area within which or with regard to which this Act applies"; Further amendment of Act No. 24, 1924, s. 3. (Interpretation.)

(b) by omitting from the same section the definition of the word "Construct" and by inserting in lieu thereof the following definition:—

"Construct" includes "reconstruct" and also "carry out any permanent improvement"; and "construction" has a corresponding meaning.

(c) by omitting from the same section the definition of the word "Council" and by inserting in lieu thereof the following definition:—

"Council" means the council of any municipality or shire and includes

the



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*Main Roads (Amendment).*

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5 the Municipal Council of Sydney;  
and in relation to any irrigation area  
or part thereof which is not a muni-  
cipality or shire includes the Water  
Conservation and Irrigation Com-  
mission.

(d) by inserting in the same section after the  
definition of "Country main road" the follow-  
ing definition:—

10 "Country State highway" means a State  
highway outside the county of Cum-  
berland.

(e) by inserting in the same section after the  
definition of "Metropolitan main road" the  
following definition:—

15 "Metropolitan State highway" means a  
State highway in the county of  
Cumberland.

(f) by inserting in the same section after the  
definition of "Minister" the following defini-  
tion:—

20 "Ordinary main road" means a main  
road not proclaimed a State highway  
or a trunk road.

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

25 "State highway" means any main road  
being a principal avenue of road  
communication between the coast  
and the interior or throughout the  
State and connecting with such  
avenues in other States, and pro-  
claimed a State highway under this  
Act or any part of such State highway.

30 (h) by inserting in the same section after the  
definition of "Treasurer" the following defini-  
tion:—

35 "Trunk road" means any main road  
being a secondary avenue of road  
communication forming with the  
40 State



*Main Roads (Amendment).*

State highways and other trunk roads  
a framework of a general system of  
intercommunication throughout the  
State and proclaimed a trunk road  
under this Act or any part of such  
trunk road.

5

- (i) by omitting from subsection two of section Sec.4.  
four the words "municipality or shire" and (Adaptation  
by inserting in lieu thereof the word "area." of Acts.)

10 **4.** (1) The Principal Act is further amended by Further  
omitting subsection two of section seven and by insert- amendment  
ing in lieu thereof the following subsection:— of Act No. 24,  
1924.

15 (2) (a) The Board may appoint and employ  
such officers as it thinks necessary to assist in the  
execution of this Act and shall, subject to the  
provisions of the Industrial Arbitration Act, 1912,  
as amended by subsequent Acts, determine the  
salaries, wages, allowances, and conditions of  
employment of officers so appointed.

20 Upon the recommendation of the Board ordin-  
ances may also be made under the Local Govern-  
ment Act, 1919, regulating the conditions and  
terms of employment of officers and employees of  
the Board.

25 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 such ordnances.

30 (b) Any officer of the Public Service  
appointed to the service of the Board either before  
or after the commencement of this section shall—

- (i) have the same right to consideration for any  
appointment in the Public Service as is pro-  
vided by the Public Service Act, 1902, for  
an officer of the Public Service;  
(ii) continue to contribute to the Superannuation  
Fund in accordance with the Superannuation  
Act, 1916, and be entitled to the benefits  
under that Act in respect of which he has  
contributed;

40

(iii)



*Main Roads (Amendment).*

(iii) be entitled to retain any rights accrued or accruing under the Public Service Act, 1902, or any Act amending the same in respect of leave or otherwise.

5 Service in the Public Service shall be deemed service with the Board and the provisions of section fourteen of the Public Service (Amendment) Act, 1919, shall be deemed to extend to such officer.

(2) Any person appointed to any office on the  
10 staff of the Board under the provisions of subsection two of section seven of the Main Roads Act, 1924-1927, as originally enacted, and holding office at the commencement of this section, shall be deemed to have been appointed under subsection two of section seven of the  
15 Main Roads Act, 1924-1927, as inserted by this section.

(3) This section shall commence on a day to be appointed by the Governor, and proclaimed.

5. The Principal Act is further amended—

(a) (i) by inserting in subsection one of section  
20 eight the words “and by the same or a subsequent proclamation give and notify numbers and names to each main road”;

(ii) by inserting at the end of the same section the following subsections :—

25 (8) It shall not be necessary to proclaim any correction of a route of a main road, or any relocation of or alteration to the route of any portion of a main road adopted by or with the approval of the  
30 Board for the purpose of securing better alignment or gradients, or making better provision for public service.

35 This subsection shall be deemed to have come into operation at the commencement of this Act.

(9) The Governor may, from time to time, on the recommendation of the Board, reproclaim any main road, or the list of main roads, correcting or amplifying the particulars, defining the routes, and rearranging  
40 the numbers and names of any main roads.

It

Further amend-  
ment of Act No.  
24, 1924. . 8.  
(Proclamation of  
main roads.)



*Main Roads (Amendment).*

It shall not be necessary for the Board to give any notice under section forty-four prior to such reclamation.

- 5 (b) by inserting in subsection three of section nine after the word "Mountains" the words "together with that portion of the Bulli Shire which is included in and within the zig-zag section of the Bulli Pass main road, and those portions of the Colo Shire and the Blaxland Shire which comprise main road number one hundred and eighty-four and the land lying between that road, and the Blue Mountains Shire";
- 10
- 15 (c) (i) by omitting paragraph (c) of subsection one of section ten; and  
(ii) by inserting at the end of the same subsection the following new paragraphs:—
- 20 (h) loans raised by councils for the construction of main roads in the county of Cumberland under the provisions of section 181c of the Local Government Act, 1919;
- 25 (i) any moneys received by the Board from tolls, fees, or charges in connection with any bridge, ferry, or other thing in the county of Cumberland.
- 30 Where a bridge or ferry is a boundary work between the county of Cumberland and the country, one half the tolls or charges received therefrom shall be paid into the County of Cumberland Main Roads Fund.
- 35 (j) Any moneys paid to the Board for the credit of that Fund in pursuance of any Act;
- (d) by inserting at the end of section twelve the following new subsections:—
- 40 (2) The Board shall pay from the County of Cumberland Main Roads Fund to the Federal Aid Roads Fund established under this Act such sums as, together with any moneys voted by

Sec. 9.  
(Application  
of Part IV.)

Sec. 10.  
(Cumberland  
Main Roads  
Fund.)

Sec. 12.  
(Use of  
Fund.)



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*Main Roads (Amendment).*

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5 by Parliament towards works carried out under the Federal Aid Roads Agreement, are necessary to provide the quota of State moneys required under that agreement against the expenditure of Commonwealth moneys on main roads in the county of Cumberland.

10 (3) The Board shall on the thirtieth day of June in each year commencing on the thirtieth day of June, one thousand nine hundred and thirty-seven, pay from the county of Cumberland Main Roads Fund into the sinking fund provided under the Federal Aid Roads Agreement an amount equal to three pounds per centum per annum accruing from day to day on each amount of loan moneys included in an instalment provided by the State and expended on main roads in the county of Cumberland, until the amount paid into the sinking fund under subclauses two and three of clause four of the said agreement is sufficient to repay the loan moneys so appropriated.

- 20 (e) (i) by omitting from subsection two of section <sup>Sec. 13.</sup> thirteen the word and figures "1923-24 (Financial and 1924-25" and by inserting in lieu <sup>adjustments.)</sup> thereof the word and figures "and 1923-24";
- 25 (ii) by inserting after the word "roads" at the end of paragraph (a) of subsection four of the same section the words "prior to the first day of July, one thousand nine hundred and twenty-eight";
- 30 (iii) by inserting after subsection four of the same section the following new subsection:—

35 (4A) The Board shall each year pay to the Treasurer from the County of Cumberland Main Roads Fund for the credit of Consolidated Revenue Fund and General Loan Account respectively such sums as may be required to provide for interest and repayment of loans appropriated for metropolitan main roads after the first day of

40 July,



*Main Roads (Amendment).*

July, one thousand nine hundred and twenty-eight, and required by the Treasurer to be repaid.

5 The terms and conditions of repayment shall be as agreed upon by the Board and the Treasurer.

6. The Principal Act is further amended by inserting next after section eighteen the following new sections :— Further amendment of Act No. 24, 1924.

10 18A. (1) Every secondary road shall be maintained by the council of the area in which it is situated to the satisfaction of the Board. New secs. 18A, 18B.

15 (2) If the council fails to maintain any such road, the Board may serve notice on the council requiring it to carry out, within a period to be named in the notice, such works of maintenance as are specified in the notice. Maintenance of secondary roads.

If the council fails to comply with any such requirement the Board may carry out such works.

20 (3) Any costs and expenses of carrying out such works incurred by the Board shall be shared between the council and the Board in accordance with any agreement in that behalf, or, if there be none, in such proportions as the Board may decide.

25 The council's share shall be repaid to the Board by the council within three months after the demand by the Board.

18B. (1) The Governor may, on the recommendation of the Board, proclaim any metropolitan main road to be a metropolitan State highway. State high-ways.

30 (2) The Governor may on the recommendation of the Board, by proclamation amend or rescind any such proclamation.

7. The Principal Act is further amended—

35 (a) by omitting section nineteen and by inserting in lieu thereof the following section :— Further amendment of Act No. 24, 1924.

19. (1) This Part shall apply to all areas which are wholly or partly outside the county of Cumberland and in the Eastern and Central Divisions of the State and to those parts of the Substituted s. 19. (Application of Part V.)



*Main Roads (Amendment).*

the municipalities of Balranald and Hillston which are in the Western Division of the State and shall apply in respect of the whole area or of the part, as the case may be.

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(2) This Part shall apply to the remaining portion of the Western Division to such extent and in such regard only as is specifically provided.

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- (b) (i) by omitting paragraph (b) of subsection one of section twenty;  
(ii) by inserting the following new paragraphs at the end of the same subsection:—

Sec. 20.  
(County of  
Cumberland  
Main Roads  
Fund.)

15

(g) any moneys received by the Board from tolls, fees, or charges in connection with any bridge, ferry, or other thing outside the county of Cumberland.

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Where any bridge or ferry is a boundary work between the county of Cumberland and the country, one-half the tolls or charges received on account thereof shall be paid into the Country Main Roads Fund;

25

(h) any moneys paid to the Board for the credit of that fund in pursuance of any Act.

30

- (c) (i) by inserting in subsection one of section twenty-one after the words "maintenance of country main roads" the words "including those in the Western Division referred to in subsection four of this section";

Section 21.  
Expenditure.

35

- (ii) by inserting after the word "roads" at the end of paragraph (a) of subsection two of the same section the words "prior to the first day of July one thousand nine hundred and twenty-eight";

- (iii) by inserting at the end of the same section the following new subsections:—

40

(3) The Board shall in each year pay to the Treasurer from the Country Main Roads Fund for the credit of Consolidated Revenue Fund



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*Main Roads (Amendment).*

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5 Fund and General Loan Account respectively, such sums as may be required to provide for interest and repayment of loans appropriated for country main roads after the first day of July, one thousand nine hundred and twenty-eight, and required by the Treasurer to be repaid.

10 The terms and conditions of such repayment shall be as agreed upon by the Board and the Treasurer.

15 (4) After a date to be proclaimed the Board shall pay annually to the Minister for Public Works from the Country Main Roads Fund the sum of one thousand three hundred pounds for the assistance of the councils of the municipalities of Bourke, Brewarrina, Broken Hill, Cobar, Wentworth, and Wilcannia in the Western Division in the maintenance and construction of those portions of proclaimed main roads within those municipalities.

20 (5) The Board shall pay from the Country Main Roads Fund to the Federal Aid Roads Fund established under this Act such sums as, together with any moneys voted by Parliament and contributed by councils as provided for in this Part and Part VIA towards works carried out under the Federal Aid Roads Agreement, are necessary to provide the quota of State moneys required under that agreement against the expenditure of Commonwealth moneys incurred on main roads outside the county of Cumberland.

35 (6) The Board shall, on the thirtieth day of June in each year commencing on the thirtieth day of June, one thousand nine hundred and thirty-seven, pay from the Country Main Roads Fund into the sinking fund provided under the Federal Aid Roads Agreement an amount equal to three  
40 pounds



*Main Roads (Amendment).*

- 5 pounds per centum per annum accruing from day to day on each amount of loan moneys included in an instalment provided by the State and expended on main roads outside the county of Cumberland until the amount paid into the sinking fund under subclauses two and three of clause four of the said agreement is sufficient to repay the loan moneys so appropriated.
- 10 (d) by inserting the following new short headings <sup>New ss.</sup> and sections at the commencement of Division <sup>21A-21D.</sup> 3 of Part V :—

*Classification of country main roads.*

- 15 21A. (1) The Governor may, on the recom- Country mendation of the Board, proclaim any country State highways and main road to be a country State highway or trunk roads. a trunk road.
- 20 (2) The Governor may, on the recommendation of the Board, by proclamation amend or rescind any such proclamation.
- 25 (3) The roads which may be recommended by the Board as trunk roads shall be the secondary avenues of road communication forming with the State highways and other trunk roads a framework of a general system of intercommunication throughout the State.

*Country State highways.*

- 30 21B. (1) The Board shall decide what works <sup>Decision as to</sup> of construction or maintenance shall be carried <sup>works.</sup> out on a country State highway.
- (2) Before deciding, the Board shall consider the representations, if any, of the councils of the areas in which the work will be situated.
- 35 21C. (1) Where the Board has decided that <sup>Who to</sup> any work of construction or maintenance is <sup>execute the</sup> necessary on a State highway the Board may, <sup>work.</sup> except where authorised by the Governor to carry



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*Main Roads (Amendment).*

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carry out the work, offer to place the carrying out of the work in the hands of the council, and to make an agreement with the council accordingly.

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(2) Where an agreement is made, the Board shall pay the cost, or instalments thereof, from the Country Main Roads Fund to the council in trust, to be expended on the said works in accordance with the agreement, and the council shall account to the Board therefor, provided that—

10

(a) where a country State highway coincides with any road of a city or town, and the Board decides to widen such road, the Board may require any council through whose area the widening is carried out, to bear one-third of the cost of such widening; and

15

(b) where a country State highway coincides with any road of a city or town, and water or gas mains or other public utilities exist in the road, the Board may make arrangements with the authority controlling the mains or public utility for the removal of the mains or public utilities to other positions in the road, and any council through whose area the removals take place shall, if the Board so requires it, reimburse the Board one-third of the costs and expenses so incurred by it;

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25

(c) any payment due to the Board in accordance with the preceding paragraphs shall be paid to the Board by a council within three months after demand by the Board.

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(3) The Governor may, in any special case, direct that work be carried out by the Board.

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(4) All work entrusted to a council shall be carried out to the satisfaction of the Board.

21D.



*Main Roads (Amendment).*

21D. Where at the first day of July, one thousand nine hundred and twenty-eight, any council owed the Board any sum of money in respect of the construction or reconstruction of any road which, prior to the first day of July, one thousand nine hundred and twenty-nine, is proclaimed a country State highway, the Board shall, upon payment by the council of the instalments of interest and principal and any additional sum which fell due before the former date, write off any remaining balance of the debt, and any agreement between the Board and any council relating to such payments shall be cancelled, save so far as the agreement relates to works off that portion of the carriageway of the road with which the Board is concerned.

Arrange-  
ments  
entered into  
with councils  
prior to 1st  
July, 1928.

(e) by inserting the following short heading immediately before section twenty-two:—

Sec. 22.  
(Assistance  
to councils.)

20 *Trunk roads and ordinary main roads.*

(f) (i) by omitting subsection one of section twenty-four and by inserting in lieu thereof the following subsection:—

(1) the Board shall not require any council or group of councils to contribute more than one-third in the case of a trunk road, or one-half in the case of an ordinary main road, of the cost of any work of construction or maintenance for which assistance is granted by the Board.

Contributions  
by councils.

Where any portion of the cost of the work is contributed to by the Commonwealth Government under the Federal Aid Roads Agreement, the council's contribution shall not exceed the above proportions of the State's share of such cost.

The Board may accept voluntary offers from councils to contribute a greater proportion of the cost of a work than is prescribed in this subsection.

The



*Main Roads (Amendment).*

The Board may also, where circumstances justify it, grant assistance to a greater extent than is so prescribed, even to the whole cost of a work.

- 5 (ii) by inserting in paragraph (a) of subsection two of the same section, after the words "the work" the words "the probable life of the work";

- 10 (g) by inserting after section twenty-seven the following new short heading and section :— New s. 27A.

*Western Division.*

- 15 27A. (1) Subject to the provisions of section 21b of this Act, any agreement entered into between the Board and any of the councils of the municipalities of Bourke, Brewarrina, Broken Hill, Cobar, Wentworth, and Wilcannia, prior to the commencement of the Main Roads (Amendment) Act, 1929, in connection with works of maintenance or construction on main roads within those municipalities shall be carried out. Saving of certain agreements.

- 20 (2) The Board shall not be concerned to see to the application of any moneys paid to any such council by the Minister for Public Works out of the amount paid by the Board to him in pursuance of section twenty-one, and the responsibility for its proper application shall rest upon the said Minister.

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

Further amendment of Act No. 24, 1924.

- 30 (a) by inserting after section twenty-nine the following new section :— New s. 29A.

- 35 29A. (1) Any bridge which is a national work and which is part of a developmental road may by proclamation be handed over either temporarily or permanently to the Board, and shall thereupon be maintained, managed, and administered by the Board, and shall cease either temporarily or permanently to be a national work. Bridges which are national works. (2)



*Main Roads (Amendment).*

(2) The cost of such maintenance, management, and administration shall be defrayed out of the Developmental Roads Fund.

- 5 (b) by inserting in subsection four of section thirty after the word "moneys" the words "appropriated by Parliament prior to the first day of July, one thousand nine hundred and twenty-eight, or expended as part of the 1926-27 and 1927-28 Federal Aid Roads programmes."

Sec. 30.  
(Assistance  
for develop-  
mental roads.)

9. The Principal Act is further amended by inserting at the end of Part VI the following new Part :—

Further amend-  
ment of Act No.  
24, 1924.

New Part  
VIA.

## PART VIA.

## 15 FEDERAL AID ROADS AGREEMENT.

DIVISION I—*Application of Part.*

31A. This Part shall apply to all works carried out under the Federal Aid Roads Agreement, including works in the Western Division.

Application  
of Part.

20 DIVISION II—*Federal Aid Roads Fund.*  
*Receipts.*

31B. There shall be a Federal Aid Roads Fund consisting of—

Federal Aid  
Roads Fund.

- 25 (a) the moneys paid to the State of New South Wales by the Government of the Commonwealth of Australia under the terms of the said agreement ;
- (b) such sums as may be appropriated by Parliament from revenue for Federal Aid Roads subsidy ;
- 30 (c) loans raised under any Loan Act and appropriated by Parliament for Federal Aid Roads subsidy ;
- (d) moneys transferred from the county of Cumberland Main Roads Fund ;
- 35

(e)



*Main Roads (Amendment).*

- (e) moneys transferred from the Country Main Roads Fund ;
- (f) contributions by councils towards Federal Aid Road work on country main roads ;
- 5 (g) a sum not less than twenty thousand pounds to be appropriated by Parliament each year for eight years commencing the first day of July, one thousand nine hundred and twenty-eight, for Western Division roads subsidy.

*Expenditure.*

- 10 31c. (1) The Federal Aid Roads Fund shall be used by the Board for the permanent improvement of roads included in the Federal Aid Roads programme in any part of the State, including the Western Division, and for a proportion of the salaries and expenses of the Board and its staff and of any additional administrative expenses either of the Board or of councils to whom grants are made from the Federal Aid Roads Funds as provided in the Federal Aid Roads agreement.
- 15
- 20

- (2) The Board shall pay to the Minister for Public Works from the Federal Aid Roads Fund for the construction of roads in the Western Division (excluding any part of the municipalities of Balranald and Hillston) the sum of seventy thousand pounds annually for a period of nine years commencing at first day of July, one thousand nine hundred and twenty-seven.
- 25

*Federal aid road works.*

- 30 31d. (1) The whole of the works carried out in the Eastern and Central Divisions of the State shall be carried out in accordance with and subject to the appropriate provisions of other Parts of this Act, as they relate to contributions by and assistance to councils and the carrying out of works, according to whether the works are on State highways, trunk roads, ordinary main roads, or developmental roads or in or outside the county of Cumberland, and the conditions,
- 35



*Main Roads (Amendment).*

conditions of maintenance which apply to trunk roads, and to ordinary main roads outside the county of Cumberland, and to developmental roads generally, shall apply to all works carried out on such roads.

(2) In connection with work done in the Western Division under the Federal Aid Roads Agreement—

(a) the Under-Secretary for Public Works shall submit to the Board the necessary statements, drawings, specifications, estimates, certificates, and any other information which may be necessary for inclusion by the Board in its proposals to the Minister for programmes under that Act ;

(b) the Under-Secretary for Public Works shall submit to the Board such details and certificates of any expenditure as may be required by the Commonwealth Government under the Federal Aid Roads Agreement ;

(c) the responsibility for ensuring that the works done are satisfactorily carried out shall rest with the Minister for Public Works.

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

(a) by inserting in subsection one of section thirty-two after the word “ main ” the word “ secondary ” ;

(b) by inserting at the end of section thirty-three the following new subsection :—

(3) Where a country main road passes through a city or town, any works for the construction or maintenance of the carriage-way shall, except in special cases approved by the Board, be limited to those which are necessary to provide a total width of road pavement of twenty feet.

(c) by inserting at the end of section thirty-nine the following new subsection :—

(6) Where any sign or hoarding has been erected within the limits of any main road, whether

Further amendment of Act No. 24, 1924.

Sec. 32. (When Board may do work.)

Sec. 33. (What works may be carried out.)

Sec. 39. (Control of main roads.)



*Main Roads (Amendment).*

5 whether with the permission of the council or not, the Board may, in any case where in the opinion of the Board the sign or hoarding is prejudicial to the safety of the travelling public direct the person responsible for its erection to remove it forthwith or within such period as the Board may fix, and such removal shall be done at the expense of the said person.

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

Further amend-  
ment of Act No.  
24, 1924.

10 (a) (i) by omitting from paragraph (b) of sub-  
section one of section forty-four the words  
“Part V” and by inserting in lieu thereof  
the words “section twenty-six”;

Sec. 44.

15 (ii) by omitting paragraph (c) of the same  
subsection;

(iii) by inserting at the end of the same sub-  
section the following words: “Where any  
council has informed the Board in writing  
that it concurs in the proposal no such  
20 notice shall be necessary.”

(b) by omitting section forty-six and by inserting  
in lieu thereof the following section:—

Sec. 46.

25 46. (1) Where any matter or thing is by or  
under this Act directed or forbidden to be  
done or where the Board is authorised by this  
Act to direct any matter or thing to be done  
or to forbid any matter or thing to be done  
and such matter or thing if so directed to be  
done remains undone or if so forbidden to be  
done is done, then in every such case every  
30 person (including a council) offending against  
such direction or prohibition shall be guilty  
of an offence under this Act.

Enforcement  
of Act.  
cf. secs. 632  
and 633 of  
L.G. Act No.  
41, 1919.

35 (2) The Board may at its discretion  
prior or subsequently to or in lieu of prosecut-  
ing for such offence do any such matter or  
thing and recover the costs and expenses  
thereof from such person in any court of  
competent jurisdiction.

(3)



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*Main Roads (Amendment).*

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5 (3) Each person guilty of an offence under this Act shall for every such offence be liable to the penalty expressly imposed, and if no penalty is so imposed, to a penalty not exceeding fifty pounds and to a further daily penalty not exceeding two pounds, and such penalty may be recovered by the Board.

10 (4) All costs, charges, expenses, or penalties recovered by the Board under this section shall be paid into the appropriate Main Roads Fund.

(c) by omitting subsection one of section forty-nine and by inserting in lieu thereof the following new subsection:—

15 (1) The Governor may, on the application of the Board, resume or appropriate land for the purpose of this Act, and may by proclamation vest the whole or part of such land in the Board, and may by the same or any subsequent proclamation declare the whole or part of such land to be a public road or public reserve, and may, if the Board so recommends, place it under the control of the council.

20 Such resumption or appropriation may be made in accordance with the provisions of the Public Works Act, 1912 (and any Acts amending that Act), mutatis mutandis, and for that purpose the Board shall be the "Constructing Authority," and shall take the place of the Minister for Public Works: Provided that it shall not be compulsory for the Board to take the whole of any parcel of vacant land in a case where the Board requires a portion only, except where the residue so left would be less in area than is required by the council for a building allotment and the owner so desires.

30 (d) By adding at the end of section fifty-three the following new subsections:—

35 (7) Upon such suspension the care, control and management of the Botany Road shall, subject to this Act, revert to the councils of the



*Main Roads (Amendment).*

the areas through which the road passes as if the Botany Road Trust Constitution Act, 1922, had not been passed.

5 (8) Upon such suspension all assets and liabilities of the Botany Road Trust shall be assets and liabilities of the Board, and all debts due to the Trust may be collected and recovered by the Board as debts due to it.

12. The Principal Act is further amended by inserting after section fifty-four the following new sections:—

55) In any agreement made between the Minister and any council, before the commencement of this Act, in relation to the repayment by the council of moneys provided by the Government for the improvement of roads which are now country main roads or developmental roads, the Board shall be deemed to be and to have been substituted for the Minister, and any moneys repaid by the council under the agreement shall be paid into the appropriate fund under this Act.

56. The payment to councils by the Board from the Developmental Roads Fund of moneys in respect 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.

57. The action of the Minister for Local Government in writing off the debt of the council of the municipality of Granville under the agreement of the fifteenth day of January, one thousand nine hundred and twenty-five, between that council and the said Minister relating to the reconditioning of Parramatta Road, is hereby validated, and section thirteen of this Act shall be deemed to extend to such debt.

58. The levying by the Bulli Shire Council in the year one thousand nine hundred and twenty-six of a local rate in Riding C of the shire to make a contribution to the Board towards the cost of reconstruction of Prince's Highway is hereby validated.

Further amendment of Act, No. 24, 1924. New ss. 55, 56, 57, 58, 59, 60, 61. Old agreements transferred to Board.

Validation of payments, past Commonwealth-State grants.

Granville adjustment.

Bulli adjustment.



*Main Roads (Amendment).*

59. There shall be paid by the Treasurer to the County of Cumberland Main Roads Fund, the Country Main Roads Fund, and the Federal Aid Roads Fund interest at such rate per centum per annum as shall be agreed upon by the Treasurer and the Board on the monthly balance of each fund held in the Treasurer's Special Deposits Account.

Treasurer to  
pay interest  
on balances.

60. (1) The Board may, with the approval of the Governor, levy tolls and charges in connection with traffic across any bridge or ferry which may be constructed or established under the provisions of this Act upon any metropolitan main road or Country State highway.

Power to  
establish  
toll bridges  
and ferries.

(2) The Board may lease the running of any such ferry and the collection of tolls and charges on any such bridge or ferry by public tender on such terms as the Board may decide.

(3) All moneys received from tolls or charges collected or from the leasing of any ferry shall be paid into the appropriate Main Roads Fund.

(4) (a) Upon the recommendation of the Board ordinances may be made under the Local Government Act, 1919, for and with respect to—

(i) the fixing of the amounts of the tolls and charges to be imposed by the Board or by any lessee acting under agreement with the Board;

(ii) the control, management, maintenance and protection of the bridge or ferry;

(iii) the regulation, restriction or suspension of the use by the public of the bridge or ferry.

(b) 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.

61. (1) Where for the purposes of widening a main road a part only of any house, factory, or other building is resumed, appropriated, or purchased by the Board, the owner thereof at the time of

Re-establish-  
ment of  
resumed  
buildings.



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*Main Roads (Amendment).*

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of such resumption, appropriation, or purchase, shall be entitled to make any replacements, alterations, and extensions to the house, factory, or building in materials similar to and of the quality of the materials of the several parts replaced, altered, or extended, and to this extent any building ordinances or regulations of the council in whose area such resumption, appropriation, or purchase has been made shall not apply, provided that—

(a) such action shall be limited to the re-establishment of accommodation not greater than that which existed prior to the resumption, appropriation, or purchase; and

(b) the owner shall not be entitled to take advantage of this subsection for the purpose of rebuilding any house, factory, or building which has been entirely demolished.

(2) Where for the purpose of widening a main road, the whole of any house, factory, or other building is resumed, appropriated, or purchased by the Board, and it is necessary to demolish a part thereof only, the Board may—

(a) arrange such demolition and make such alterations or extensions to the residue as it thinks fit, any building regulations or ordinances of the council notwithstanding;

(b) sell any residue not required for road purposes, either with or without the condition that the purchaser shall remove from the land required for road purposes the portion of the house, factory, or building thereon, and the purchaser shall be entitled to make any replacement, alteration, or extension to the residue in the same manner as if an owner from whom the land was resumed, appropriated, or purchased.

62. If any council fails to make any contribution under this Act on the due date or fails to pay on the due date any instalment in pursuance of any agreement made under this Act, such contribution or instalment shall from and after the due date for payment

Interest on  
amounts  
owing to  
the Board.



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*Main Roads (Amendment).*

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5 payment thereof bear interest at the rate of six per centum per annum, and such interest shall be considered as accruing from day to day: Provided that the Board may in any case remit the payment of such interest wholly or in part or may grant an extension of time for the payment of all or any part of such interest.

**13.** The Local Government Act, 1919, as amended by subsequent Acts, is amended—

Amendment  
of Act No. 41,  
1919.  
Sec. 181c.

10 (a) (i) by inserting at the end of subsection one of section 181c the following words:—

Provided that the Governor's approval under this section shall not be given to any further loans after the thirtieth day of June, one thousand nine hundred and thirty;

15 (ii) by inserting after subsection four of the same section the following new subsection:—

20 (4A) Where the construction of the main road is carried out by the Main Roads Board of New South Wales, the moneys from such loan shall be paid into the County of Cumberland Main Roads Fund.

25 (4B) Any such loan may be repaid by the Main Roads Board of new South Wales direct to the lender;

30 (b) by inserting at the commencement of subsection one of section one hundred and eighty-three the words "subject to the provisions of this Act."

Sec. 183.



