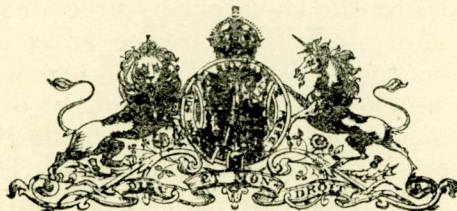


I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

W. S. MOWLE,
Clerk of the Legislative Assembly.
Legislative Assembly Chamber,
Sydney, 30 October, 1924.

New South Wales.



ANNO QUINTO DECIMO

GEORGII V REGIS.

Act No. 24, 1924.

An Act to provide for the better construction, maintenance, and financing of main roads; to provide for developmental roads; to constitute a Main Roads Board; to amend the Local Government Act, 1919, and certain other Acts; and for purposes connected therewith. [Assented to, 10th November, 1924.]

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.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

PART I.

PRELIMINARY.

Short title.

1. (1) This Act may be cited as the "Main Roads Act, 1924," and shall commence and come into force on a date to be fixed by the Governor by proclamation.

Application of Act

(2) This Act shall apply to the areas of municipalities and shires, but shall not (except where specifically so provided) apply to the City of Sydney or to any irrigation area proclaimed under the Irrigation Act, 1912, or constituted by the Wentworth Irrigation Act, 1890, the Hay Irrigation Act, 1902, or the Murrumbidgee Irrigation Act, 1910.

Division into Parts.

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

PART I.—PRELIMINARY—*ss. 1-4.*

PART II.—MAIN ROADS BOARD—*ss. 5-7.*

PART III.—SELECTION OF MAIN ROADS—*s. 8.*

PART IV.—COUNTY OF CUMBERLAND—

DIVISION 1.—*Application of Part—s. 9.*

DIVISION 2.—*County of Cumberland Main Roads Fund—ss. 10-13.*

DIVISION 3.—*Metropolitan main road work—ss. 14-18.*

PART V.—COUNTRY DISTRICTS—

DIVISION 1.—*Application of Part—s. 19.*

DIVISION 2.—*Country Main Roads Fund—ss. 20, 21.*

DIVISION 3.—*Country main road works—ss. 22-27.*

PART VI.—DEVELOPMENTAL ROADS—*ss. 28-31.*

PART VII.—WORKS GENERALLY—*ss. 32-42.*

PART VIII.—MISCELLANEOUS—*ss. 43-53.*

Main Roads.

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

- “Area” means municipality or shire, and includes the city of Sydney.
- “Board” means the Main Roads Board of New South Wales established under this Act.
- “Botany Road Trust” means the trust constituted under the Botany Road Trust Constitution Act, 1922.
- “Construct” includes “reconstruct,” and the carrying out of permanent improvements.
- “Council” includes the Municipal Council of Sydney, and includes the Botany Road Trust where so provided in this Act.
- “Country main road” means a main road outside the county of Cumberland.
- “Developmental road” means any road, route, or means of access declared to be a developmental road under this Act or any part of such developmental road. cf. Qld., 14 Geo. V, No. 12, s. 2.
- “Main road” includes a proposed main road or proposed deviation thereof.
- “Maintenance” includes all works of every description which are, in the opinion of the board, calculated to keep the carriage-way of any main or developmental road, and any drain draining such carriage-way, and to keep any bridge, culvert, causeway, fence, or any work on such road in the same state of usefulness as it was in at the time it was declared to be a main or developmental road, or in the same state of usefulness as it was in after construction under the provisions of this Act. cf. Country Roads Act, 1915 (Vic.), s. 3.
- “Metropolitan area” means the Sydney metropolitan area as described in Schedule Four of the Local Government Act, 1919.
- “Metropolitan main road” means a main road in the county of Cumberland.

“Permanent

Main Roads.

cf. Country
Roads Act,
1915 (Vic.),
s. 3.

“Permanent improvement” includes a new main or developmental road, a deviation or a widening of an existing main or developmental road, a work for the drainage of a main or developmental road, and all works of every description (exclusive of maintenance) which are in the opinion of the board calculated to increase the usefulness of a main or developmental road, and also includes tree planting.

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

“Treasurer” means the Colonial Treasurer.

Adaptation
of Acts—
application to
councils.

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

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

PART II.**MAIN ROADS BOARD.**

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

5. (1) There shall be a Main Roads Board, which shall consist of a president and two other members appointed from time to time by the Governor, and the provisions of the Public Service Act, 1902, shall not apply to their appointment.

(2) Two of the members of the board shall be engineers having special knowledge of road construction.

(3) The salaries of the members shall be fixed by the Governor.

(4) The President shall be the “permanent head” within the meaning of the Public Service Act, 1902, and any Act amending the same.

(5)

Main Roads.

(5) The members of the board shall be appointed for a term of seven years, and shall be eligible for reappointment: Provided that on the occurrence of a vacancy, an appointment shall be made for the remainder of the unexpired term of the vacant office.

(6) A member of the board may be suspended or removed for misbehaviour or incompetence, as follows:—

cf. Public
Service Act,
1902, s. 8.

(a) a member of the board may be suspended from his office by the Governor for misbehaviour or incompetence, but shall not be removed from office except as hereinafter provided. The Minister shall cause to be laid before Parliament a full statement of the grounds of suspension within seven days after such suspension if Parliament be in session and actually sitting, and when Parliament is not in session or not actually sitting within seven days after the commencement of the next session or sitting;

(b) a member of the board suspended under this section shall be restored to office unless each House of Parliament within twenty-one days from the time when such statement has been laid before it, declares by resolution that the said member ought to be removed from office, and if each House of Parliament within the said time does so declare, the said member shall be removed by the Governor accordingly.

(7) A member of the board shall be deemed to have vacated his office if he—

Public
Service Act
1902, s. 8.

(a) engages in New South Wales during his term of office in any paid employment outside the duties of his office;

(b) becomes bankrupt, compounds with his creditors, or makes an assignment of his salary for their benefit;

(c) absents himself from duty for a period of fourteen consecutive days, except on leave granted by the Governor, or becomes incapable of performing his duties;

(d) resigns his office, by writing under his hand, addressed to the Governor.

(8)

Main Roads.

(8) No act or proceeding of the board shall be invalidated or prejudiced by reason only of the fact that at the time when such proceeding or act was taken, done, or commenced there was a vacancy in the office of any one member.

Body
corporate.

6. (1) The board shall be a body corporate, with perpetual succession and a common seal, and may sue and be sued in its corporate name; and shall, for the purposes and subject to the provisions of this Act, be capable of purchasing, holding, granting, demising, disposing of, or otherwise dealing with real and personal property, and of doing and suffering all such other acts and things as bodies corporate may by law do and suffer. The corporate name of the board shall be "The Main Roads Board of New South Wales."

(2) At any meeting of the board at which all three members are present, the decision of a majority of the members shall be the decision of the board.

Quorum.

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

Differences of
opinion.

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

No action or
suit against
members of
board.

cf. Public
Service Act,
1902, s. 7 (8).

(5) No action or suit shall be brought or maintained against any person who is, or at any time has been, a member of the board for anything done or omitted by him pursuant to the duties imposed upon him by this Act, nor shall any action, suit, or other proceeding lie, nor any costs be payable in respect of any proceeding before the board.

Minutes of
meetings, &c.

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

(7)

Main Roads.

(7) In case of the illness, suspension, or absence of any member of the board, a deputy may be appointed by the Governor to act for such member during his illness, suspension, or absence; and every such deputy shall, during the time he acts as deputy, have all the powers and authority of such member.

7. (1) For the purpose of carrying out the powers, duties, authorities, and obligations conferred or imposed upon the board by this or any other Act the board, with the approval of the Minister of the department concerned, may make use of the services of any of the officers and employees of the Public Service.

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

Provided that no such appointment shall be made without the concurrence of the board, and that any employee in the service of a council shall have the same right to consideration for such appointment as is provided by the Public Service Act, 1902, for an officer of the Public Service.

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

(4) The board shall apportion the salaries and expenses of the board and its staff, and any additional administrative expenses, in an equitable manner between and charge the amounts so apportioned upon, the County of Cumberland Main Roads Fund and the Country Main Roads Fund.

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

PART

Main Roads.

PART III.

SELECTION OF MAIN ROADS.

Proclamation
of main roads.

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

(2) Any proclamation of any road as a main road under the Local Government Act, 1919, before the passage of this Act (such proclamation not having been repealed) shall continue in force for the purposes of and subject to the provisions of this Act.

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

- (a) any representations made by the councils through whose areas the road passes (or will pass) or whose areas the road serves (or will serve);
- (b) the funds which are or will be available for the construction and for the regular maintenance of metropolitan main roads;
- (c) whether the road is or will be a main trunk route for traffic between the business centres of the metropolitan area and the other parts of the county of Cumberland;
- (d) whether the road is or will be a main trunk route for traffic between one part of the said county and another;
- (e) whether the traffic along the road is mainly local, that is arising or terminating within the area in which the road is situated, or whether it is or will be mainly through traffic;
- (f) whether the road is or will be a tourist road to develop tourist traffic; and
- (g) the value of the proposed route from a defence point of view.

(4) In considering whether to recommend the proclamation of a country main road the board shall consider—

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

Main Roads.

- (b) the funds which are or will be available for the construction and maintenance of country main roads;
- (c) whether the road is or will be the main trunk route connecting any producing or likely producing district with its market or point of shipment by water or by rail;
- (d) whether the road is or will be the main trunk route of intercommunication between two or more producing districts, or between two or more centres of population;
- (e) whether the road is or will be the main trunk route between the capital of the State, or any centre of population, and any producing district;
- (f) whether the road is or will be the main trunk route between the capitals of this and any other State;
- (g) whether the road is or will be a tourist road to develop tourist traffic; and
- (h) the value of the proposed route from a defence point of view.

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

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

(7) Subsection (3A) of section two hundred and twenty-six of the Local Government Act, 1919, is hereby repealed.

Repeal of
s. 226 (3A) of
L.G. Act,
1919.

Main Roads.

PART IV.

COUNTY OF CUMBERLAND.

DIVISION 1.—*Application of Part.*Application
this Part.

9. (1) This Part shall apply to the county of Cumberland; and to the Municipal Council of the City of Sydney, and to the councils of those municipalities and shires of which any portion lies within the county of Cumberland.

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

(3) For the purpose of this Act the municipalities of Katoomba and Blackheath and the shire of the Blue Mountains shall be deemed to be included in the county of Cumberland.

DIVISION 2.—*County of Cumberland Main Roads Fund.**Receipts.*County of
Cumberland
Main Roads
Fund.Motor
revenue.Vide
subsec. 2 of
this section.Public vehicle
revenue.Vide
subsec. 3 of
this section

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

- (a) a sum to be paid by the Treasurer as hereinafter provided from the amount collected after the thirtieth day of June, one thousand nine hundred and twenty-four, as taxes, fees, and fines under the Motor Traffic Act, 1909, and the Motor Vehicle (Taxation) Act, 1916;
- (b) a sum to be paid by the Treasurer as hereinafter provided from the amount collected after the thirtieth day of June, one thousand nine hundred and twenty-four, under the Metropolitan Traffic Act, 1900;
- (c) a sum not less than twenty-five thousand pounds to be appropriated by Parliament each year, commencing the first day of July, one thousand nine hundred and twenty-four, for County of Cumberland Main Roads subsidy and to be paid to the fund;

(d)

Main Roads.

- (d) such other revenues (if any) as the law may direct to be paid into the County of Cumberland Main Roads Fund, or as may be voted by Parliament for the purpose;
- (e) any sums apportioned to metropolitan main roads from moneys granted by the Government of the Commonwealth of Australia for the development of main roads;
- (f) contributions by councils under this Part; and
- (g) loans raised under any Loan Act and appropriated for metropolitan main roads.

(2) As from the thirtieth day of June, one thousand nine hundred and twenty-four, the proceeds of the taxes and fees under the Motor Traffic Act, 1909, and the Motor Vehicle (Taxation) Act, 1916, on vehicles owned by and licenses issued to persons resident in the said county, and the proceeds of penalties imposed in that county under those Acts, shall in the first place be paid into a special account in the Treasury: and after deducting a sum fixed by the Treasurer not exceeding ten per centum thereof for cost of collection (which shall be paid to Consolidated Revenue Fund), one-half of the remainder shall be paid by the Treasurer not less frequently than once in each three months into the County of Cumberland Main Roads Fund and the other half shall be paid into the Country Main Roads Fund hereafter provided for. Motor taxation.
See s. 20 (2).

(3) As from the thirtieth day of June, one thousand nine hundred and twenty-four, the proceeds of the fees charged for licenses of drivers and of vehicles (including public vehicles) issued under the Metropolitan Traffic Act, 1900, and the proceeds of penalties imposed under that Act, shall be paid into a special account in the Treasury: and after deducting a sum fixed by the Treasurer not exceeding ten per centum thereof for cost of collection (which shall be paid to Consolidated Revenue Fund) the remainder shall be paid by the Treasurer not less frequently than once in each three months into the County of Cumberland Main Roads Fund. Fees of vehicles.

(4)

Main Roads.

First advance
on inaugura-
tion of board.
See also
s. 20 (3).

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

Levy upon
county—
contribution
by councils.

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

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

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

Limit of $\frac{1}{2}$ l.
in £.

(4) The contribution under this section by each council shall (subject to the proviso hereunder) be calculated at such a uniform rate in the pound upon the unimproved capital value of ratable land (or ratable property as the case may be) in their respective areas as the board may fix, but not in any case exceeding one halfpenny in the pound on the said value:

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

Farming
land—lower
rate.

(5) Where any parcel of land is valued as one assessment and is principally used for the time being for rural primary production the council may reduce its

Main Roads.

its levy upon the person ratable by one-half of such rate and may make a corresponding reduction in the amount of the contribution payable to the board:

Provided that in any such case the onus of proof that the reduction is authorised by this section shall lie on the council in case of dispute.

(6) Each council shall pay the contribution accordingly; and the board shall pay it into the County of Cumberland Main Roads Fund.

(7) The contribution of a council under this Act may be paid in the first place from the General (or City) Fund, and if the council's area is wholly within the county of Cumberland may be added to any rate levied for general purposes or may be levied by the council as a separate special rate, and if the council's area is only partly within the county of Cumberland, shall be levied by the council as a separate local rate upon all ratable lands or ratable property which are both within the area of the council and within the county of Cumberland. Where levied as a separate special or local rate it may be used to recoup the General (or City) Fund to the extent of any payments made from that fund under this Act. Contribution added to rates.

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

Expenditure.

12. The County of Cumberland Main Roads Fund Use of fund. may be used by the board for the permanent improvement and maintenance of main roads in the county of Cumberland, for the payment of expenses, interest, and principal in connection with loans as elsewhere in this Act provided, for a proportion of the salaries and expenses of the board and its staff, and of any additional

Main Roads.

additional administrative expenses, and generally for the purposes of this Part: Provided that loan moneys in that fund shall be used only for construction of metropolitan main roads, and for such proportion of the administrative expenses as the board may consider to be reasonably chargeable to such construction.

Adjustments with Treasury and councils.

Financial
adjustments.

See s. 37 (2)
post.

13. (1) (a) Where at the commencement of this Act any council owes to the Treasurer or Minister for Public Works or Minister for Local Government any sum of money in respect of the reconstruction of any main road in the said county, or in respect of any advance made for the reconstruction of any such road under section five hundred and thirty-nine of the Local Government Act, 1919, the Treasurer or such Minister shall, upon payment of the instalments of interest and principal and any additional sum which fell due before the said commencement, write off any remaining balance of the debt.

(b) Such balance so written off shall be debited by the Treasurer to the County of Cumberland Main Roads Fund, to be paid as hereinafter provided.

Various
metropolitan
main road
works.

(2) There shall be debited to the County of Cumberland Main Roads Fund one-half of the sums expended during the Government financial years 1920-21, 1921-22, 1922-23, 1923-24, and 1924-25 from the "General Loan Account" or "Public Works Fund" upon works for the construction of any metropolitan main roads other than works which are the subject of debit under subsection one of this section, less any sums already repaid on account of such expenditure by any councils.

Payments to
Treasury.

(3) The board shall each year pay to the Treasurer from the County of Cumberland Main Roads Fund—

(a) for credit of the Consolidated Revenue Fund such sum as the Treasurer shall require to meet the interest payable on the sums debited to the County of Cumberland Main Roads Fund under the preceding subsections of this section ;

(b)

Main Roads.

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

(4) The board shall each year pay to the Treasurer from the County of Cumberland Main Roads Fund—

- (a) for credit of the Consolidated Revenue Fund such sum as the Treasurer shall require to meet one-half the interest payable by him on the loans raised under any Loan Act after the commencement of this Act and appropriated for metropolitan main roads; and
- (b) for credit of the General Loan Account such sum as the Treasurer shall require to provide for the repayment within a term of fifteen years (or such longer term as the Treasurer may approve) of one-half of the principal amount of such loans.

(5) (a) Where at the commencement of this Act any council owes any money in respect of a loan or time payment agreement which was expended upon the reconstruction or permanent improvement of any main road in the said county the council may ask the board to agree to subsidise the council each year (for such period as may be necessary) to the extent of part or the whole of the interest and instalments of repayment on the amount so owing. The board shall grant to the council such subsidy, taking into account the character of work done upon the road, its suitability to the traffic, and the manner in which it has been maintained, and thus estimating the extent to which the board considers the work done constitutes a saving of future expense to the board.

Subsidy towards existing loans of councils for main roads.

(b) Where at such commencement any council has not spent moneys borrowed for such reconstruction as aforesaid it may confer with the board, and with the board's approval, subject to such alteration of plans and specifications as the board may require, may complete

Main Roads.

complete the expenditure of the loan, and thereupon the provisions of the preceding paragraph of this subsection shall apply.

Expenditure
within last
three years.

(c) Where within three years of such commencement any council has expended money, either from any special fund or from revenue, other than Government grants, upon the construction of any main road in the said county, and where such construction is not covered by any other provision of this section, the council may ask the board to reimburse the council to the extent of part or the whole of the capital cost of the permanent improvement. The board shall grant to the council such subsidy as it deems fit, taking into account the character of the work done upon the road, the suitability to the traffic, and the manner in which it has been maintained, and thus estimating the extent to which the board considers the work done constitutes a saving of future expenditure to the board.

Proposed
immediate
expenditure.

(d) Any council may, pending the appointment of the board, give notice to the Minister that it proposes, out of revenue or loan, to reconstruct in concrete any specified section of its main roads, and submit plans and specifications, and the Minister may approve on behalf of the board. In any such case the board shall on its appointment grant a subsidy or rebate of contributions in respect of such reconstruction in concrete sufficient to repay the cost of such reconstruction within a period not greater than three-quarters of the estimated life of the work.

Botany Road
Trust.

(e) The preceding provisions of this subsection shall not apply to the Botany Road Trust, but each of the constituent councils under the Botany Road Trust Constitution Act, 1922, may apply to the board for subsidy under the preceding paragraphs of this subsection, and the board shall grant subsidy accordingly, and may apply this subsection mutatis mutandis to such councils, to the Botany Road, and to the amounts owing by the councils to the Botany Road Trust.

Certain
Government
liabilities
for subsidy
transferred
to board.

(f) Where the Government of the State of New South Wales has undertaken to provide a subsidy or contribution to the Botany Road Trust or to any council

Main Roads.

council in connection with the reconstruction of any metropolitan main road, the liability for such subsidy or contribution shall be transferred from the said Government to the board in addition to any subsidy granted by the board under this subsection.

(g) The board may authorise the deduction of any subsidy due to a council from any payment due to the board by that council.

DIVISION 3.—*Metropolitan main road work.*

14. (1) The board shall decide what works of construction or of maintenance shall be carried out on a metropolitan main road. Decision as to works.
cf. C.R. Act (Vic.), 1915, ss. 22, 23.

(2) Before so deciding the board shall consider the representations (if any) of the councils of the areas in which the works will be situated.

15. (1) Where the board has decided that any work of construction or of maintenance is necessary, the board may (except where otherwise authorised by the Governor) offer to place the carrying out of the work in the hands of the council, and to make an agreement with the council accordingly. Who to execute work.
cf. *Ibid.* s. 23.

(2) Where an agreement is made the board shall pay the cost (or instalments thereof) from the County of Cumberland Main Roads Fund to the council in trust, to be expended on the said works in accordance with the agreement: and the council shall account to the board therefor.

(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.

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

(2)

Main Roads.

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

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

Botany Road. **17.** The Botany Road Trust may continue the construction of that road in accordance with the Botany Road Trust Constitution Act, 1922: and upon such construction being completed on any section of the road, and on notice of such completion being served by the trust on, and after inspection accepted by, the board, this Division of this Act shall for the purposes of any subsequent construction and of maintenance apply to that section and to the Botany Road Trust as if that trust were a council and as if the section of the road so reconstructed were the "area" of the council.

**Secondary
main roads.**

18. A council may apply to the board to declare a road to be a secondary road for the purposes of this Act on the ground that such road carries a substantial amount of through traffic and thereby relieves a neighbouring main road of traffic which it would otherwise have to bear. The board may by notification declare any such road to be a secondary road, and may grant such assistance towards its construction and maintenance (from the County of Cumberland Main Roads Fund) as the board sees fit, taking into account the extent to which the road serves to relieve the neighbouring main road.

Act No. 24, 1924.

Main Roads.

PART V.

COUNTRY DISTRICTS.

DIVISION 1.—*Application of this Part.*

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

Application
of this Part.

DIVISION 2.—*Country Main Roads Fund.*

Receipts.

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

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

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

Motor
revenue.
Vide s. 10 (2)
and subsec.
(2) of this
section.

- (b) a sum not less than ninety thousand pounds to be appropriated by Parliament each year, commencing the first day of July, one thousand nine hundred and twenty-four, for Country Main Roads subsidy, and to be paid to the fund;
- (c) such other revenues (if any) as the law may direct to be paid into the Country Main Roads Fund or as may be voted by Parliament for the purpose;
- (d) any sums apportioned to country main roads from moneys granted by the Government of the Commonwealth of Australia for the development of main roads;
- (e) contributions by councils under this Part; and
- (f) loans raised under any Loan Act and appropriated for country main roads.

Main Roads.

Motor
taxation.
See also s. 10
(2) re share
of metro-
politan motor
taxation
payable to
Country
M.R. Fund.

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

See also
s. 10 (4).

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

Expenditure.

Expenditure.

21. (1) The Country Main Roads Fund may be used by the board for the construction and for the maintenance of country main roads, for the payment of expenses, interest and principal in connection with loans as elsewhere in this Act provided, for a proportion of the salaries and expenses of the board and its staff, and of any additional administrative expenses, and generally for the purposes of this Part: Provided that loan moneys in that fund shall be used only for the construction of country main roads and for such proportion of the administrative expenses as the board may consider to be reasonably chargeable to such construction.

(2) The board shall each year pay to the Treasurer from the Country Main Roads Fund—

(a) for credit of the Consolidated Revenue Fund such sum as the board may have collected from councils as interest upon the councils' share of any expenditure made out of loans raised after the

Main Roads.

- the commencement of this Act under any Loan Act and appropriated for country main roads ;
- (b) for credit of the General Loan Account such sum as the board may have collected from councils as instalments of repayment of the councils' share of any expenditure made out of such loans.

DIVISION 3.—Country main road works.

22. (1) Each council through whose area a country main road passes may, if it desires assistance from the board in the carrying out of any work thereon (whether of construction or of maintenance), apply to the board for such assistance : and in such case it shall furnish to the board—

Assistance to
councils.

- (a) a detailed report, by the council's engineer (or other proper servant where there is no engineer) as to the condition of the road, as to the works of construction or of maintenance which are necessary thereon, and the relative urgency of such works, together with any necessary plans and specifications, and an estimate of the cost of each such work ;
- (b) the views of the council on such report, particularly as to what works are needed, and their relative order of urgency ; and
- (c) a formal application for such assistance as the council deems necessary : and a statement of what amount (if any) the council will undertake to contribute toward the cost of each work.

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

23. (1) The board may, if it consider any work of construction or of maintenance is necessary on a country main road, offer assistance to the council for the execution of that work according to conditions, plans, and specifications to be supplied or approved by the board.

Initiation of
assistance by
board.

(2)

Main Roads.

Negotiations
with
councils.

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

Degree of
assistance.
cf. C.R.
Act (Vic.),
1915, ss. 27,
34, 35, 36,
providing
for repay-
ment of half
cost.

24. (1) The board shall not require any council or group of councils to contribute more than one-half of the cost of any work of construction or maintenance for which assistance is granted under this Division by the board: but may accept voluntary offers to contribute a greater proportion; and may, where circumstances justify it, grant assistance greater than one-half of the cost of a particular work, even to the whole.

(2) The board may in any case advance the whole cost of any work, and accept the council's contribution by repayment as follows:—

(a) in the case of maintenance work—within such period (not less than one year) as the board may deem reasonable having regard to the expenses of the work and the finances of the council;

(b) in the case of construction work—within a period not greater than three-fourths of the board's estimate of the life of the work.

Interest.

(3) The board may require the payment of interest at such rate as the board may fix on any amount advanced or owing for a longer term than one year.

(4) Every council receiving assistance under this Part shall carry out the conditions attached thereto, and execute the work to the satisfaction of the board.

Limit of $\frac{1}{2}$ d.
in £.

(5) (a) The board shall not require any council to contribute in any one year for works of maintenance and construction any sums which taken together exceed the amount which would be produced by a rate of one halfpenny in the pound on the unimproved capital value of all ratable land in the council's area.

cf. s. 34 of
Vic. C.R.
Act, 1915, as
amended by
s. 2 of C.R.
Act, 1916.

(b) The amount of any contribution by a council under this Part may be paid by the council from its general fund (or in the case of a main road in an urban area, from the appropriate fund of the urban area) or may be raised by an additional general rate of not exceeding one halfpenny in the pound on the unimproved capital value of all ratable land; and in the latter

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latter case such additional general rate may be levied, notwithstanding that thereby the rates of the council will, to that extent, exceed any limit of rates laid down by or under the Local Government Act, 1919.

25. The Governor may, in any special case, direct that work be carried out by the board.

Governor's
reserve power
to authorise
board to do
work.

cf. C.R. Act
(Vic.), 1915,
ss. 19-23.

26. (1) Where the board has provided money for or has carried out any work upon any country main road, and where there is no prior agreement between the board and the councils as to their respective shares of the cost, the board may, when such money has been expended, determine—

Recovery of
portion of cost
from councils.

cf. Vic.
C.R. Act,
1915, s. 27.

- (a) what areas have benefited by such expenditure;
- (b) what portion of such expenditure (not exceeding one-half) shall be repaid by the councils of such areas;
- (c) what share of such portion each council shall contribute;
- (d) what period of time shall be allowed for the councils to make payment of their contributions;
- (e) the interest (if any) payable (in the case of expenditure from loan moneys); and
- (f) the amount and due date of each instalment of contribution.

(2) The contributions of the councils need not be fixed at uniform rates, but may be varied according to the benefits each council's area has derived or may be expected to derive from the expenditure, and according to each council's ability to pay: Provided that the total amount charged against all of the councils shall not exceed one-half the cost.

(3) The councils shall pay the amounts of the contributions in accordance with any determination hereunder (subject to any decision given on appeal as hereinafter provided).

(4) An area may be held to be benefited within the meaning of this section by expenditure on construction or maintenance, although the portion of the road upon

Main Roads.

upon which the expenditure takes place is not situated within its boundaries, if substantial traffic to and from that area passes over, or in the case of a new road will in the opinion of the board pass over, the road on which such expenditure has been made.

Boundary
works.

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

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

(3) Section five hundred and twenty-two of the Local Government Act, 1919, shall be read subject to this section.

PART VI.

DEVELOPMENTAL ROADS.

Declaration
of develop-
mental roads.
cf. Develop-
mental Roads
Act, 1918
(Vic.), s. 3.

28. (1) The Governor may, on the recommendation of the board, proclaim as a developmental road any road (not being a main road) which in the opinion of the board—

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

(2) The Governor may likewise repeal (as to the whole or any part of a developmental road) any proclamation declaring such road to be a developmental road.

29.

Main Roads.

29. (1) There shall be a Developmental Roads Fund, consisting of— Develop-
mental Roads
Fund.

- (a) such sums as may be voted by Parliament from the Consolidated Revenue Fund or the Public Works Fund for this purpose; cf. *Ibid.* s. 6.
- (b) any sums apportioned to this purpose from moneys granted by the Government of the Commonwealth of Australia for developmental roads; and
- (c) loans raised under any Loan Act and appropriated for developmental roads.

(2) The Developmental Roads Fund may be used by the board for the construction of developmental roads, for the payment of interest in connection with loans as elsewhere in this Act provided, for a proportion of the salaries of the board and its staff and of any additional administrative expenses, and generally for the purposes of this Part: Provided that loan moneys in that fund shall be used only for construction of developmental roads and for such proportion of the administrative expenses as the board may consider to be reasonably chargeable to such construction: Provided also that moneys granted by the Commonwealth Government shall be used only for construction of roads.

30. (1) Any council may apply to the board for the proclamation of a road as a developmental road. Assistance
for develop-
mental roads.

(2) The council may apply to the board, and the board may, if there are funds available, grant assistance towards the construction of a developmental road. cf. D.R. Act
(Vic.), 1918,
s. 5.

(3) The board may provide from the Developmental Roads Fund any portion or the whole cost of the construction of a developmental road.

(4) The council shall, for a period of twenty years from the commencement of any work under this Part, pay to the board interest on such portion of the cost of the work as has been provided by the board out of loan moneys at a rate fixed by the board as calculated to be three-fifths of the rate fixed by the board as the rate of interest chargeable on advances under Part V of this Act. Interest.
cf. *Ibid.* s. 9.

(5) Any work under this Part shall not be commenced until the council shall have agreed to pay to the board such amounts and in such manner as Parliament may hereafter direct, towards interest on such Further
conditions.
cf. D.R. Act
(Vic.), 1922,
s. 5.

portion

Main Roads.

portion of the cost of the work as has been provided by the board out of loan moneys and towards repayment of the principal of such portion; and has also agreed to comply with such further terms as to maintenance of such works as Parliament may hereafter direct: Provided that any direction of Parliament hereunder as to payment of interest may be in lieu of the provisions of subsection four of this section.

(6) All moneys collected by the board in respect of developmental roads for interest shall be paid by the board to the Treasurer, and by him be paid into such fund as he shall decide; and all moneys (if any) collected by the board in respect of developmental roads for principal of loan moneys shall be paid to the Treasurer and by him be paid into such fund as he may decide.

Maintenance
of develop-
mental roads.
cf. D.R. Act
(Vic.), 1918,
ss. 12, 13.

31. (1) Every developmental road shall be maintained by the council of the area in which it is situated to the satisfaction of the board in accordance with the conditions agreed between the council and the board or as directed by Parliament as hereinbefore provided.

(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 repaid to the board by the council, and if not repaid within three months after demand by the board—

- (a) may be deducted by the Treasurer from any moneys which at any time are or may become payable by him to the council; or
- (b) may be recovered by the board from the council as a debt.

(4) Pending compliance with any requirement under this section, and pending the payment of any sum due under this section, the board may stop or delay the carrying out of any construction works on any developmental road in the council's area.

PART

Main Roads.

PART VII.

WORKS GENERALLY.

32. (1) Where agreement cannot be made between the board and any council, or in any special case (of which the Governor shall be the judge), the Governor may authorise and direct the board to carry out works in connection with main and developmental roads: and thereupon the board shall for that purpose have all the powers of a council under the Local Government Act, 1919, and any other Acts conferring powers on a council.

When board
may do work
itself.

See s. 44
post.

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

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

33. (1) Works of construction or of maintenance under this Act, in respect of main and developmental roads, may include any works which it would be within the power of a council to construct or maintain; but shall, as a general rule, be limited to works for the improvement of the carriage-way of the road, or works (whether on or off the road) to provide for its drainage and the planting of trees to provide timber and shade.

What works
may be
carried out.

(2) The board's decision whether any proposed work is a construction or maintenance work shall be final.

"Permanent
improvement
or "mainten-
ance"—decision
as to.

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

Standard
plans and
specifications.

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

35. An arrangement or debt of a council under this Act shall not be subject to the provisions of the Local Government Act, 1919, relating to the procedure required

Borrowing
procedure.

to

Main Roads.

to be observed by a council in connection with borrowing: and it shall not be compulsory upon the council to levy a loan rate in respect thereof.

General powers of board.

Board given powers of council.

36. (1) Subject to this Act the board may, in respect of a main or developmental road, or land to be resumed therefor, exercise the powers given by any Act to a council in respect of public roads.

Council's powers not limited.

(2) The granting of the powers conferred upon the board by this Act in respect of any public road shall not, except in so far as may be necessary for and during the exercise of those powers, limit or affect the powers of the council in respect of the road.

(3) The powers conferred upon the board by this Act shall not apply to nor in respect of any work which is a "National Work."

Sign-posts.

(4) The board shall, as soon as may be practicable, cause each main road to be marked by the erection of sign-posts at convenient places along its length and at the boundary of each area.

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

(5) Section two hundred and fifty-four of the Local Government Act, 1919, is hereby repealed.

Land near main roads. Vide s. 49 (re-summptions).

(6) Where the board proposes to open a new road or to widen or undertake the construction of a road it may purchase or resume land in the neighbourhood of the road, and hold, replan, subdivide, and lease or resell, any or all of the land, and may open new public roads therein for the purposes of such replanning or subdivision; and may use the appropriate fund under this Act therefor.

Alterations of levels.

(7) Where, as the result of an alteration of level of a main road carried out by or at the request of the board, it becomes necessary to make alterations to a side road, the board may from the appropriate fund provide portion or the whole of the cost of such latter alterations.

Main road grants.

37. (1) Where, before or after the commencement of this Act, any council has received a grant or advance of moneys for use upon main roads the council shall duly account to the board for the expenditure of such moneys not accounted for prior to such commencement and for the

Main Roads.

the carrying out of the terms and conditions of the grants and advances: and the board may vary such terms and conditions, or in case of default or non-compliance may require the council to refund the whole or portion of the grant. Any money so refunded shall be paid to the appropriate main roads fund according to whether the work for which it was granted is within or outside the county of Cumberland. Any sum so required to be refunded may be recovered by the board as a debt.

(2) This section shall not affect the operation of section thirteen of this Act.

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

Control of main roads.

39. (1) This clause shall not apply to any area or part of any area unless and until it is proclaimed by the Governor so to apply. Proclamation by Governor.

(2) The council (and the Botany Road Trust) shall not, except in accordance with a particular or general approval of the board, and with the conditions which the board may attach to such approval, grant to any person permission to place, construct, excavate, lay, or erect any room, cellar, light-well, passage, tunnel, pipe, wire, rails, or other thing whatsoever in any main road, or anything whatsoever to connect buildings on opposite sides of the road. Digging up roads. cf. s. 233 of L.G. Act, 1919.

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

(4) Any council (including the Botany Road Trust) and any statutory body and any person acting under the authority of any statute and any department of the Government shall not construct, excavate, lay, or erect any room, cellar, light well, passage, tunnel, pipe, wire, rails, bridge, culvert, or other thing whatsoever in any main road without first obtaining the consent of the Structures, &c., on roads.

Main Roads.

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

Trees on
roads.

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

Damage or
injury to
main road
other than
fair wear and
tear to be
made good.

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

Deviations of
main roads
by statutory
bodies.

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

Engineering
and clerical
charges.
cf. D.R. Act
(Vic.), 1918,
s. 17.

42. Where any works are being or have been carried out by a council on main roads under this Act, the board shall, if the work is done to the board's satisfaction, allow to the council as chargeable to the cost of such work such commission as the board thinks fit, not exceeding five pounds per centum on the cost of construction or two pounds ten shillings per centum on the cost of maintenance works, for the purpose of recouping the council for clerical and engineering services in connection with such works.

PART VIII.

MISCELLANEOUS.

Plant and
machinery.
cf. Vic. C.R.
Act, 1915,
s. 15 (3).

43. (1) The board may use both or either of the main roads funds for the lease, hire, or purchase of plant and materials, that is to say, road-making machinery, tools, implements, and materials needed for the purposes of this Act. (2)

Main Roads.

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

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

(4) The board may take over from the Minister for Public Works at a valuation, and such Minister shall on reasonable notice transfer to the board any or all such lorries, road rollers, traction engines and other road-making and testing machinery, plant, and appliances as are held by such Minister at the date of the commencement of this Act and in the opinion of the board are deemed necessary for use in connection with work on main roads, and which have been used by such Minister exclusively for such work. The board shall pay to the Treasurer, for value of such plant and appliances so taken over, such sum as may be agreed between the board and the Minister for Public Works, or in default of agreement, as may be decided by the Treasurer.

44. (1) Whenever the board proposes—

- (a) to recommend the proclamation of a road as a main road, or the cancellation of the proclamation of a main road, or to refuse an application from a council for such a proclamation; or
- (b) to demand under Part V of this Act any contribution over one hundred pounds from a council; or
- (c) to carry out itself any work in respect of which the council will probably be required under Part V of the Act to contribute a sum greater than one hundred pounds,

Council's
right to be
heard.
cf. Vic. C.R.
Act, 1915,
s. 28 (4).

Sees. 32 ante.

the board shall before finally deciding the matter give reasonable notice of its intention to the council concerned.

(2) Such council may within a reasonable period to be fixed in such notice notify the board that it desires to be heard and to call evidence in respect of the matter, and the board shall hear the council accordingly.

(3)

Main Roads.

(3) The board shall serve notice on the council of its decision.

Right of
appeal to
Minister.

(4) Any council affected may within one month from the service of notice of any such decision serve a notice, in writing, on the board, signifying its intention to appeal therefrom to the Minister. Such notice shall state concisely the grounds of the appeal. The board shall serve a copy of such notice on the councils affected.

(5) The Minister shall hear and determine the appeal and may allow the other councils affected to be heard: and the board and all councils affected shall give effect to his decision.

(6) This section shall not operate to prevent the Governor from acting under section thirty-one hereof in case of emergency.

Duty of
councils to
supply infor-
mation.

cf. *Ibid.* s. 16.

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

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

Enforcement
of Act—
Penalty.

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

Recovery of
debts.

47. Any moneys due by a council (including the Botany Road Trust) or by a statutory body or by any person under this Act may be recovered by the board as a debt.

Various
powers of
board.

cf. Vic. C.R.
Act, 1915,
s. 15.

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

(1) carry out all such surveys and investigations as may be necessary or expedient to ascertain—

(a) what roads shall be main roads;

(b) the nature and extent of the resources of New South Wales in materials suitable for the purposes of road making and maintenance, and the most effective and

Main Roads.

- and economical methods for dealing with them, and for supplying or utilising them on main roads ;
- (c) the most effective methods of road construction and maintenance for main roads ;
 - (d) the methods of road administration, finance, construction, maintenance, and control of other countries ; and
 - (e) what deviations (if any) in existing main roads or what new main roads should in its opinion be made so as to facilitate communication and improve the conditions of traffic ;
- (2) publish for general information the results of such surveys and investigations ;
 - (3) co-operate with and assist councils in or carry out works which though not upon main roads are directly or indirectly for the benefit of main roads ;
 - (4) pay from the appropriate fund, or pay from Expenses of this section. and apportion between the funds, any expenses incurred by the board for the purposes of the foregoing paragraphs of this section ; and
 - (5) pay from the appropriate fund or pay from Payment of various expenses. cf. Qsld. M.R. Act, 1920, s. 23(b). and apportion between the funds any sum due under an agreement lawfully made for the purposes of this Act, or any sum recovered against the board by process of law, or which the board has agreed to pay to any person in settlement of any claim brought against it for compensation or damages for or in respect of any act of the board in pursuance of its powers under this Act, or any sum which by any order made or purporting to be made by any competent authority the board is directed to pay by way of compensation, damages, costs, fines, penalties, or otherwise.
- 49.** (1) The Governor may on the application of the Various powers, board resume land under the Public Works Act, 1912, for the purposes of this Act, and may vest the whole or part

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part of such land in the board or proclaim the whole or part to be a public road or public reserve, and place it under the control of the council, as the board may recommend.

(2) The board may lease, cause to be resumed, or purchase land, provide buildings, appliances, quarries, gravel pits, and works for the manufacture, storage, and treatment of materials and appliances for the purposes of this Act, and may sell materials and appliances which may be produced in excess of the board's requirements or which the board may deem it advisable to sell.

Contracts,
and other
acts.

50. The board may enter into contracts and do all other acts which may be necessary or advisable for the purposes of this Act.

Ordinances.

51. (1) Upon the recommendation of the board ordinances may be made under the Local Government Act, 1919, but subject to the Metropolitan Traffic Act, 1900, for carrying this Act into effect, and in particular for and with respect to—

- (a) the preservation of trees and vegetation on main roads;
- (b) the prevention of damage to main roads;
- (c) the prevention of the doing of things likely to injure main roads;
- (d) the regulation of the weight of vehicles using main roads and the loads on such vehicles;
- (e) the regulation of the use of vehicles likely to injure main roads;
- (f) the weighing of vehicles and loads, the estimation of weight according to a prescribed scale for various classes of goods, the requiring of vehicles and loads to be taken to a public weighbridge for weighing; and the marking of weight on the vehicles; and
- (g) the restriction of traffic or of any specified class of traffic to protect main roads from injury;
- (h) authorising councils to grant permission for the erection on main roads in return for advertising concessions of highway light-houses or beacons.

(2)

Main Roads.

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

(3) Section three of the Motor Traffic Act, 1909, is amended by adding to paragraph (b) thereof the following:—"and the weights of the loads which may be carried upon different kinds of motor vehicles; and regulate the carrying on motor vehicles of long, large, heavy, or projecting articles."

52. (1) The Minister may certify to the board the amounts and particulars of assistance granted or promised by him before the commencement of this Act to various councils in respect of main and developmental roads from funds to be provided for the financial year commenced on the first day of July, one thousand nine hundred and twenty-four, and may require the board to provide such assistance in accordance with such grant or promise from the appropriate fund under this Act.

Payments
promised to
councils
before
commence-
ment of this
Act.

(2) The Treasurer may deduct from any moneys payable to the appropriate Main Roads Fund any sums expended from Revenue Votes with the approval of the Minister after the first day of July, one thousand nine hundred and twenty-four, and before the commencement of this Act, in granting assistance to councils for work on main roads.

53. (1) Upon the completion of the construction of Botany-road, the Botany Road Trust shall report the fact to the board.

Botany-road.

(2) The board shall thereupon arrange to take over the indebtedness of the Botany Road Trust in respect of the construction of the road, and may issue further debentures, bonds, or other securities in relation thereto.

(3) When such arrangements are complete the board may recommend the Governor to issue a proclamation repealing paragraph (e) of subsection five of section thirteen and section seventeen of this Act, and suspending the operation of the Botany Road Trust Constitution Act, 1922.

(4)

Main Roads.

(4) The Governor may issue such proclamation accordingly and thereupon such proclamation shall have the force of law.

(5) Upon the suspension of the Botany Road Trust Constitution Act, 1922, the members of the Trust then in office shall cease to hold office; and the operation of the provisions of the Act shall be suspended pending further legislation.

(6) The provisions of section eight of the Interpretation Act, 1897, shall apply in respect of the enactments repealed or suspended in accordance with this section.

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

D. R. S. DE CHAIR,
Governor.

*Government House,
Sydney, 10th November, 1924.*

MAIN ROADS BILL.

SCHEDULE showing the Legislative Assembly's disagreements from the Legislative Council's Amendments, referred to in Message of 30 October, 1924.

W. S. MOWLE,
Clerk of the Legislative Assembly.

Page 7, clause 7, line 16. *After "that" reinsert "no such appointment shall be*
"made without the concurrence of the Board, and that any employee in
"the service of a council shall have the same right to consideration for
"such appointment as is provided by the Public Service Act, 1902, for an
"officer of the Public Service" *omit "any certificated town or shire clerk,*
"or certificated local government engineer, who is in the service of a
"council shall, if otherwise qualified, be eligible for appointment to any
"vacant office in the Public Service connected with the administration of
"this Act as if he were an officer of the Public Service, and the words
"Public Service' where they occur in sections thirty-four, thirty-five, and
"thirty-six of the Public Service Act, 1902, shall for the purpose of this
"section be taken to extend to and include such clerks and engineers "

Page 7, clause 7, line 33. *After "employees" omit "under the rank of foreman"*

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.

W. S. MOWLE,
Clerk of the Legislative Assembly.
Legislative Assembly Chamber,
Sydney, 16 September, 1924.

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

Clerk of the Parliaments.
Legislative Council Chamber,
Sydney, October, 1924.

New South Wales.



ANNO QUINTO DECIMO

GEORGI V REGIS.

Act No. , 1924.

An Act to provide for the better construction, maintenance, and financing of main roads; to provide for developmental roads; to constitute a Main Roads Board; to amend the Local Government Act, 1919, and certain other Acts; and for purposes connected therewith.

43861

29—A

BE

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

Main Roads.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

PART I.

PRELIMINARY.

1. (1) This Act may be cited as the "Main Roads Act, 1924," and shall commence and come into force on a date to be fixed by the Governor by proclamation.

(2) This Act shall apply to the areas of municipalities and shires, but shall not (except where specifically so provided) apply to the City of Sydney or to any irrigation area proclaimed under the Irrigation Act, 1912, or constituted by the Wentworth Irrigation Act, 1890, the Hay Irrigation Act, 1902, or the Murrumbidgee Irrigation Act, 1910.

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

Short title.
Application of Act.
Division into Parts.

PART I.—PRELIMINARY—ss. 1-4.

PART II.—MAIN ROADS BOARD—ss. 5-7.

PART III.—SELECTION OF MAIN ROADS—s. 8.

PART IV.—COUNTY OF CUMBERLAND—

DIVISION 1.—*Application of Part*—s. 9.

DIVISION 2.—*County of Cumberland Main Roads Fund*—ss. 10-13.

DIVISION 3.—*Metropolitan main road work*—ss. 14-18.

PART V.—COUNTRY DISTRICTS—

DIVISION 1.—*Application of Part*—s. 19.

DIVISION 2.—*Country Main Roads Fund*—ss. 20, 21.

DIVISION 3.—*Country main road works*—ss. 22-27.

PART VI.—DEVELOPMENTAL ROADS—ss. 28-31.

PART VII.—WORKS GENERALLY—ss. 32-42.

PART VIII.—MISCELLANEOUS—ss. 43-53.

Main Roads.

3. In this Act, unless inconsistent with the context ^{Interpreta-} or subject-matter,— _{tion.}

- “Area” means municipality or shire, and includes the city of Sydney.
- 5 “Board” means the Main Roads Board of New South Wales established under this Act.
- “Botany Road Trust” means the trust constituted under the Botany Road Trust Constitution Act, 1922.
- 10 “Construct” includes “reconstruct,” and the carrying out of permanent improvements.
- “Council” includes the Municipal Council of Sydney, and includes the Botany Road Trust where so provided in this Act.
- 15 “Country main road” means a main road outside the county of Cumberland.
- “Developmental road” means any road, route, or ^{cf. Qld., 14} means of access declared to be a developmental ^{Geo. V, No.} road under this Act or any part of such ^{12, s. 2.} developmental road.
- 20 “Main road” includes a proposed main road or proposed deviation thereof.
- “Maintenance” includes all works of every de- ^{cf. Country} scription which are, in the opinion of the board, ^{Roads Act,} calculated to keep the carriage-way of any ^{1915 (Vic.),} ^{s. 3.} main or developmental road, and any drain draining such carriage-way, and to keep any bridge, culvert, causeway, fence, or any work on such road in the same state of usefulness as it was in at the time it was declared to be a main or developmental road, or in the same state of usefulness as it was in after construction under the provisions of this Act.
- 25 “Metropolitan area” means the Sydney metropolitan area as described in Schedule Four of the Local Government Act, 1919.
- 30 “Metropolitan main road” means a main road in the county of Cumberland.

“Permanent

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- “Permanent improvement” includes a new main or developmental road, a deviation or a widening of an existing main or developmental road, a work for the drainage of a main or developmental road, and all works of every description (exclusive of maintenance) which are in the opinion of the board calculated to increase the usefulness of a main or developmental road, and also includes tree planting.
- “Public road” includes proposed public road or a proposed deviation.
- “Treasurer” means the Colonial Treasurer.
- 4.** (1) This Act shall be read with the Local Government Act, 1919, and words used in this Act which are defined in that Act shall, unless inconsistent with the context or subject-matter of this Act, have the meanings by that Act ascribed to them.
- (2) In so far as this Act confers powers or imposes duties upon councils, such powers and duties shall apply in respect of each municipality or shire to the council thereof, and in respect of the city of Sydney shall apply to the municipal council of Sydney.

cf. Country
Roads Act,
1915 (Vic.),
s. 3.

Adaptation
of Acts—
application to
councils.

PART II.

MAIN ROADS BOARD.

- 5.** (1) There shall be a Main Roads Board, which shall consist of a president and two other members appointed from time to time by the Governor, and the provisions of the Public Service Act, 1902, shall not apply to their appointment.
- (2) Two of the members of the board shall be engineers having special knowledge of road construction.
- (3) The salaries of the members shall be fixed by the Governor.
- (4) The President shall be the “permanent head” within the meaning of the Public Service Act, 1902, and any Act amending the same.

Appointment
of board.
cf. Vic. C.R.
Act, 1902.

Main Roads.

(5) The members of the board shall be appointed for a term of ~~five~~ seven years, and shall be eligible for reappointment: Provided that on the occurrence of a vacancy, an appointment shall be made for the remainder
5 of the unexpired term of the vacant office.

(6) A member of the board may be suspended for misbehaviour or incompetence, as follows:—

cf. Public
Service Act,
1902, s. 8.

10 (a) a member of the board may be suspended from his office by the Governor for misbehaviour or incompetence, but shall not be removed from office except as hereinafter provided. The
15 Minister shall cause to be laid before Parliament a full statement of the grounds of suspension within seven days after such suspension if Parliament be in session and actually sitting, and when Parliament is not in session or not actually sitting within seven days after the commencement of the next session or sitting;

20 (b) a member of the board suspended under this section shall be restored to office unless each House of Parliament within twenty-one days from the time when such statement has been laid before it, declares by resolution that the
25 said member ought to be removed from office, and if each House of Parliament within the said time does so declare, the said member shall be removed by the Governor accordingly.

30 (7) A member of the board shall be deemed to have vacated his office if he—

Public
Service Act,
1902, s. 8.

(a) engages in New South Wales during his term of office in any paid employment outside the duties of his office;
35 (b) becomes bankrupt, compounds with his creditors, or makes an assignment of his salary for their benefit;
(c) absents himself from duty for a period of fourteen consecutive days, except on leave granted by the Governor, or becomes incapable of performing his duties;
40 (d) resigns his office, by writing under his hand, addressed to the Governor. (8)

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(8) No act or proceeding of the board shall be invalidated or prejudiced by reason only of the fact that at the time when such proceeding or act was taken, done, or commenced there was a vacancy in the office of
5 any one member.

6. (1) The board shall be a body corporate, with perpetual succession and a common seal, and may sue and be sued in its corporate name; and shall, for the purposes and subject to the provisions of this Act, be
10 capable of purchasing, holding, granting, demising, disposing of, or otherwise dealing with real and personal property, and of doing and suffering all such other acts and things as bodies corporate may by law do and suffer. The corporate name of the board shall be "The
15 Main Roads Board of New South Wales."

(2) At any meeting of the board at which all three members are present, the decision of a majority of the members shall be the decision of the board.

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

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

(4 5) No action or suit shall be brought or maintained against any person who is, or at any time has
30 been, a member of the board for anything done or omitted by him pursuant to the duties imposed upon him by this Act, nor shall any action, suit, or other proceeding lie, nor any costs be payable in respect of any proceeding before the board.

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

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(6 7) In case of the illness, suspension, or absence of any member of the board, a deputy may be appointed by the Governor to act for such member during his illness, suspension, or absence; and every such deputy shall, during the time he acts as deputy, have all the powers and authority of such member.

Appointment of deputy.

7. (1) For the purpose of carrying out the powers, duties, authorities, and obligations conferred or imposed upon the board by this or any other Act the board, with the approval of the Minister of the department concerned, may make use of the services of any of the officers and employees of the Public Service.

Employment and appointment of officers and employees. cf. Vic. Country Roads Act, 1915, s. 13.

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

Staff under Public Service Act, 1902.

Provided that no such appointment shall be made without the concurrence of the Board, and that any employee in the service of a council shall have the same right to consideration for such appointment as is provided by the Public Service Act, 1902, for an officer of the Public Service any certificated town or shire clerk, or certificated local government engineer, who is in the service of a council shall, if otherwise qualified, be eligible for appointment to any vacant office in the Public Service connected with the administration of this Act as if he were an officer of the Public Service, and the words "Public Service" where they occur in sections thirty-four, thirty-five, and thirty-six of the Public Service Act, 1902, shall for the purpose of this section be taken to extend to and include such clerks and engineers.

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

Casual employees.

(4) The board shall apportion the salaries and expenses of the board and its staff, and any additional administrative expenses, in an equitable manner between and charge the amounts so apportioned upon, the County of Cumberland Main Roads Fund and the Country Main Roads Fund.

Division of administrative expenses. cf. ss. 12, 21, 29, post.

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

Members eligible for public service.
cf. C.R. Act, 1915 (Vic.), s. 14.

10

PART III.

SELECTION OF MAIN ROADS.

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

Proclamation of main roads.

15

(2) Any proclamation of any road as a main road under the Local Government Act, 1919, before the passage of this Act (such proclamation not having been repealed) shall continue in force for the purposes of and subject to the provisions of this Act.

20

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

25

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

30

(b) the funds which are or will be available for the construction and for the regular maintenance of metropolitan main roads;

35

(c) whether the road is or will be a main trunk route for traffic between the business centres of the metropolitan area and the other parts of the county of Cumberland;

40

(d) whether the road is or will be a main trunk route for traffic between one part of the said county and another;

(e) whether the traffic along the road is mainly local, that is arising or terminating within the area in which the road is situated, or whether it is or will be mainly through traffic;

(f) whether the road is or will be a tourist road to develop tourist traffic; and

(g)

Main Roads.

(g) the value of the proposed route from a defence point of view.

(4) In considering whether to recommend the proclamation of a country main road the board shall consider—

- (a) any representations made by the councils through whose areas the road passes (or will pass) or whose areas the road serves (or will serve);
- 10 (b) the funds which are or will be available for the construction and maintenance of country main roads;
- (c) whether the road is or will be the main trunk route connecting any producing or likely producing district with its market or point of shipment by water or by rail;
- 15 (d) whether the road is or will be the main trunk route of intercommunication between two or more producing districts, or between two or more centres of population;
- 20 (e) whether the road is or will be the main trunk route between the capital of the State, or any centre of population, and any producing district;
- 25 (f) whether the road is or will be the main trunk route between the capitals of this and any other State;
- (g) whether the road is or will be a tourist road to develop tourist traffic; and
- 30 (h) the value of the proposed route from a defence point of view.

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

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

(7) Subsection (3A) of section two hundred and twenty-six of the Local Government Act, 1919, is hereby repealed.

Repeal of
s. 226 (3A) of
L.G. Act,
1919.

Main Roads.

PART IV.

COUNTY OF CUMBERLAND.

DIVISION 1.—*Application of Part.*

9. (1) This Part shall apply to the county of Cum-
 5 berland; and to the Municipal Council of the City of
 Sydney, and to the councils of those municipalities and
 shires of which any portion lies within the county of
 Cumberland.

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

(3) For the purpose of this Act the municipalities
 of Katoomba and Blackheath and the shire of the Blue
 15 Mountains shall be deemed to be included in the county
 of Cumberland.

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

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

- (a) a sum to be paid by the Treasurer as hereinafter
 provided from the amount collected after the
 thirtieth day of June, one thousand nine hun-
 dred and twenty-four, as taxes, fees, and fines
 25 under the Motor Traffic Act, 1909, and the
 Motor Vehicle (Taxation) Act, 1916;
- (b) a sum to be paid by the Treasurer as hereinafter
 provided from the amount collected after the
 thirtieth day of June, one thousand nine hun-
 30 dred and twenty-four, under the Metropolitan
 Traffic Act, 1900;
- (c) a sum not less than twenty-five thousand
 pounds to be appropriated by Parliament each
 year, commencing the first day of July, one
 thousand nine hundred and twenty-four, for
 35 County of Cumberland Main Roads subsidy
 and to be paid to the fund;

(d)

Application
of this Part.County of
Cumberland
Main Roads
Fund.Motor
revenue.
Vide
subsec. 2 of
this section.Public vehicle
revenue.
Vide
subsec. 3 of
this section.

Main Roads.

- (d) such other revenues (if any) as the law may direct to be paid into the County of Cumberland Main Roads Fund, or as may be voted by Parliament for the purpose;
- 5 (e) any sums apportioned to metropolitan main roads from moneys granted by the Government of the Commonwealth of Australia for the development of main roads;
- (f) contributions by councils under this Part; and
- 10 (g) loans raised under any Loan Act and appropriated for metropolitan main roads.

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

Motor
taxation.

See s. 20 (2).

(3) As from the thirtieth day of June, one thousand nine hundred and twenty-four, the proceeds of the fees
 30 charged for licenses of drivers and of vehicles (including public vehicles) issued under the Metropolitan Traffic Act, 1900, and the proceeds of penalties imposed under that Act, shall be paid into a special account in the Treasury: and after deducting a sum fixed by the Treasurer not
 35 exceeding ten per centum thereof for cost of collection (which shall be paid to Consolidated Revenue Fund) the remainder shall be paid by the Treasurer not less frequently than once in each three months into the County of Cumberland Main Roads Fund.

Fees o
vehicles.

40 (4) Within one month after the appointment of the board the Treasurer shall pay into the County of Cumberland Main Roads Fund the sum of twenty thousand

First advance
on inaugura-
tion of board.See also
s. 20 (3).

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thousand pounds as an advance on account of moneys which may subsequently become payable to that fund from the Consolidated Revenue Fund hereunder.

5 **11.** (1) The board may in respect of each year, ^{Levy upon county—contribution by councils} ending on the thirty-first day of December, serve a requisition upon each council whose area (or any part thereof) is situated in the said county, requiring it to pay a contribution to the County of Cumberland Main Roads Fund.

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

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

25 (4) The contribution under this section by each ^{Limit of $\frac{1}{2}$ l. in £.} council shall (subject to the proviso hereunder) be calculated at such a uniform rate in the pound upon the unimproved capital value of ratable land (or ratable property as the case may be) in their respective areas
30 as the board may fix, but not in any case exceeding one halfpenny in the pound on the said value:

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

(5) Where any parcel of land is valued as one ^{Farming land—lower rate.} assessment and is principally used for the time being for rural primary production the council may reduce its levy upon the person ratable by one-half of such
40 rate and may make a corresponding reduction in the amount of the contribution payable to the board:

Provided

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Provided that in any such case the onus of proof that the reduction is authorised by this section shall lie on the council in case of dispute.

(6) Each council shall pay the contribution accordingly; and the board shall pay it into the County of Cumberland Main Roads Fund.

(7) The contribution of a council under this Act may be paid in the first place from the General (or City) Fund, and if the council's area is wholly within the county of Cumberland may be added to any rate levied for general purposes or may be levied by the council as a separate special rate, and if the council's area is only partly within the county of Cumberland, shall be levied by the council as a separate local rate upon all ratable lands or ratable property which are both within the area of the council and within the county of Cumberland. Where levied as a separate special or local rate it may be used to recoup the General (or City) Fund to the extent of any payments made from that fund under this Act.

Contribution added to rates.

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

Limit of rate extended.

(9) The portion of its revenue used by a council to make its contribution under this Part shall not be taken into account as revenue for the purposes of any agreement made by a conciliation committee (or any award made by a court) in relation to the fixing of the salaries or wages of any servants of the council.

Conciliation agreements.

Expenditure.

12. The County of Cumberland Main Roads Fund may be used by the board for the permanent improvement and maintenance of main roads in the county of Cumberland, for the payment of expenses, interest, and principal in connection with loans as elsewhere in this Act provided, for a proportion of the salaries and expenses

Use of fund.

Main Roads.

expenses of the board and its staff, and of any additional administrative expenses, and generally for the purposes of this Part: Provided that loan moneys in that fund shall be used only for construction of metropolitan main roads, and for such proportion of the administrative expenses as the board may consider to be reasonably chargeable to such construction.

Adjustments with Treasury and councils.

13. (1) (a) Where at the commencement of this Act any council owes to the Treasurer or Minister for Public Works or Minister for Local Government any sum of money in respect of the reconstruction of any main road in the said county, or in respect of any advance made for the reconstruction of any such road under section five hundred and thirty-nine of the Local Government Act, 1919, the Treasurer or such Minister shall, upon payment of the instalments of interest and principal and any additional sum which fell due before the said commencement, write off any remaining balance of the debt.

(b) Such balance so written off shall be debited by the Treasurer to the County of Cumberland Main Roads Fund, to be paid as hereinafter provided.

(2) There shall be debited to the County of Cumberland Main Roads Fund one-half of the sums expended during the Government financial years 1920-21, 1921-22, 1922-23, 1923-24, and 1924-25 from the "General Loan Account" or "Public Works Fund" upon works for the construction of any metropolitan main roads other than works which are the subject of debit under subsection one of this section, less any sums already repaid on account of such expenditure by any councils.

(3) The board shall each year pay to the Treasurer from the County of Cumberland Main Roads Fund—

(a) for credit of the Consolidated Revenue Fund such sum as the Treasurer shall require to meet the interest payable on the sums debited to the County of Cumberland Main Roads Fund under the preceding subsections of this section;

(b)

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

(4) The board shall each year pay to the Treasurer from the County of Cumberland Main Roads Fund—

(a) for credit of the Consolidated Revenue Fund such sum as the Treasurer shall require to meet one-half the interest payable by him on the loans raised under any Loan Act after the commencement of this Act and appropriated for metropolitan main roads; and

(b) for credit of the General Loan Account such sum as the Treasurer shall require to provide for the repayment within a term of fifteen years (or such longer term as the Treasurer may approve) of one-half of the principal amount of such loans.

(5) (a) Where at the commencement of this Act any council owes any money in respect of a loan or time payment agreement which was expended upon the reconstruction or permanent improvement of any main road in the said county the council may ask the board to agree to subsidise the council each year (for such period as may be necessary) to the extent of part or the whole of the interest and instalments of repayment on the amount so owing. The board shall grant to the council such subsidy, taking into account the character of work done upon the road, its suitability to the traffic, and the manner in which it has been maintained, and thus estimating the extent to which the board considers the work done constitutes a saving of future expense to the board.

Subsidy towards existing loans of councils for main roads.

(b) Where at such commencement any council has not spent moneys borrowed for such reconstruction as aforesaid it may confer with the board, and with the board's approval, subject to such alteration of plans and specifications as the board may require, may complete

Main Roads.

complete the expenditure of the loan, and thereupon the provisions of the preceding paragraph of this subsection shall apply.

- (c) Where within three years of such com-
 5 mencement any council has expended money, either Expenditure within last three years.
 from any special fund or from revenue, other than Government grants, upon the construction of any main road in the said county, and where such construction is not covered by any other provision of this section, the
 10 council may ask the board to reimburse the council to the extent of part or the whole of the capital cost of the permanent improvement. The board shall grant to the council such subsidy as it deems fit, taking into account the character of the work done upon the road, the
 15 suitability to the traffic, and the manner in which it has been maintained, and thus estimating the extent to which the board considers the work done constitutes a saving of future expenditure to the board.

- (d) Any council may, pending the appoint-
 20 ment of the board, give notice to the Minister that it proposes, out of revenue or loan, to reconstruct in concrete any specified section of its main roads, and submit plans and specifications, and the Minister may approve on behalf of the board. In any such case the
 25 board shall on its appointment grant a subsidy or rebate of contributions in respect of such reconstruction in concrete sufficient to repay the cost of such reconstruction within a period not greater than three-quarters of the estimated life of the work.

- (e) The preceding provisions of this subsec-
 30 tion shall not apply to the Botany Road Trust, but each of the constituent councils under the Botany Road Trust Constitution Act, 1922, may apply to the board for subsidy under the preceding paragraphs of this sub-
 35 section, and the board shall grant subsidy accordingly, and may apply this subsection mutatis mutandis to such councils, to the Botany Road, and to the amounts owing by the councils to the Botany Road Trust.

- (f) Where the Government of the State of
 40 New South Wales has undertaken to provide a subsidy or contribution to the Botany Road Trust or to any
 council Certain Government liabilities for subsidy transferred to board.

Main Roads.

council in connection with the reconstruction of any metropolitan main road, the liability for such subsidy or contribution shall be transferred from the said Government to the board in addition to any subsidy granted
5 by the board under this subsection.

(g) The board may authorise the deduction of any subsidy due to a council from any payment due to the board by that council.

DIVISION 3.—*Metropolitan main road work.*

10 **14.** (1) The board shall decide what works of construction or of maintenance shall be carried out on a metropolitan main road. Decision as to works.
cf. C.R. Act (Vic.), 1915, ss. 22, 23.

(2) Before so deciding the board shall consider the representations (if any) of the councils of the areas
15 in which the works will be situated.

15. (1) Where the board has decided that any work of construction or of maintenance is necessary, the board may (except where otherwise authorised by the Governor) offer to place the carrying out of the work
20 in the hands of the council, and to make an agreement with the council accordingly. Who to execute work.
cf. *Ibid.*, s. 23.

(2) Where an agreement is made the board shall pay the cost (or instalments thereof) from the County of Cumberland Main Roads Fund to the council in trust,
25 to be expended on the said works in accordance with the agreement: and the council shall account to the board therefor.

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

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

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

Main Roads.

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

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

17. The Botany Road Trust may continue the construction of that road in accordance with the Botany Road. 15 Botany Road Trust Constitution Act, 1922: and upon such construction being completed on any section of the road, and on notice of such completion being served by the trust on, and after inspection accepted by, the board, this Division of this Act shall for the purposes of any 20 subsequent construction and of maintenance apply to that section and to the Botany Road Trust as if that trust were a council and as if the section of the road so reconstructed were the "area" of the council.

18. A council may apply to the board to declare a 25 road to be a secondary road for the purposes of this Act on the ground that such road carries a substantial amount of through traffic and thereby relieves a neighbouring main road of traffic which it would otherwise have to bear. The board may by notification 30 declare any such road to be a secondary road, and may grant such assistance towards its construction and maintenance (from the County of Cumberland Main Roads Fund) as the board sees fit, taking into account the extent to which the road serves to relieve the neigh- 35 bouring main road.

Main Roads.

PART V.

COUNTRY DISTRICTS.

DIVISION 1.—*Application of this Part.*

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

DIVISION 2.—*Country Main Roads Fund.*

Receipts.

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

Country Main
Roads Fund.
cf. Vic. C.R. Act,
1915, s. 28.

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

1910, s. 38.
Motor
revenue.
Vide s. 10 (2)
and subsec.
(2) of this
section.

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

20 (b) a sum not less than ninety thousand pounds to
be appropriated by Parliament each year, com-
mencing the first day of July, one thousand
nine hundred and twenty-four, for Country
Main Roads subsidy, and to be paid to the
fund;

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

30 (d) any sums apportioned to country main roads
from moneys granted by the Government of the
Commonwealth of Australia for the develop-
ment of main roads;

35 (e) contributions by councils under this Part; and
(f) loans raised under any Loan Act and appro-
priated for country main roads.

Motor
revenue.

Vide s. 10 (2)
and subsec.
(2) of this
section.

(2)

Main Roads.

- (2) As from the thirtieth day of June, one thousand nine hundred and twenty-four, the proceeds of the taxes and fees under the Motor Traffic Act, 1909, and the Motor Vehicle (Taxation) Act, 1916, on vehicles owned by
 5 and licenses issued to persons not resident in the county of Cumberland, and the proceeds of penalties imposed outside that county under those Acts, shall in the first place be paid into a special account in the Treasury :
 10 and after deducting a sum fixed by the Treasurer not exceeding ten per centum thereof for cost of collection (which shall be paid to Consolidated Revenue Fund), the whole of the remainder shall be paid by the Treasurer not less frequently than once in each three months into the Country Main Roads Fund.
- (3) Within one month after the appointment of
 15 the board the Treasurer shall pay into the Country Main Roads Fund the sum of twenty thousand pounds as an advance on account of moneys which may subsequently become payable to that fund from Consolidated
 20 Revenue Fund hereunder.
- Moto
taxation.
See also s. 10
(2) re share
of metro-
politan motor
taxation
payable to
Country
M.R. Fund
- See also
s. 10 (4).

Expenditure.

- 21.** (1) The Country Main Roads Fund may be
 used by the board for the construction and for the maintenance of country main roads, for the payment
 25 of expenses, interest and principal in connection with loans as elsewhere in this Act provided, for a proportion of the salaries and expenses of the board and its staff, and of any additional administrative expenses, and generally for the purposes of this Part : Provided that
 30 loan moneys in that fund shall be used only for the construction of country main roads and for such proportion of the administrative expenses as the board may consider to be reasonably chargeable to such construction.
- (2) The board shall each year pay to the
 35 Treasurer from the Country Main Roads Fund—
- (a) for credit of the Consolidated Revenue Fund such sum as the board may have collected from councils as interest upon the councils' share of
 40 any expenditure made out of loans raised after the
- Expenditure

Main Roads.

- the commencement of this Act under any Loan Act and appropriated for country main roads ;
- (b) for credit of the General Loan Account such sum as the board may have collected from councils as instalments of repayment of the councils' share of any expenditure made out of such loans.

DIVISION 3.—*Country main road works.*

22. (1) Each council through whose area a country main road passes may, if it desires assistance from the board in the carrying out of any work thereon (whether of construction or of maintenance), apply to the board for such assistance : and in such case it shall furnish to the board—

- (a) a detailed report by the council's engineer (or other proper servant where there is no engineer) as to the condition of the road, as to the works of construction or of maintenance which are necessary thereon, and the relative urgency of such works, together with any necessary plans and specifications, and an estimate of the cost of each such work ;
- (b) the views of the council on such report, particularly as to what works are needed, and their relative order of urgency ; and
- (c) a formal application for such assistance as the council deems necessary : and a statement of what amount (if any) the council will undertake to contribute toward the cost of each work.

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

23. (1) The board may, if it consider any work of construction or of maintenance is necessary on a country main road, offer assistance to the council for the execution of that work according to conditions, plans, and specifications to be supplied or approved by the board.

(2)

Main Roads.

(2) Before deciding upon any work upon a country main road, the board shall consider the representations, if any, of the councils of the areas served or to be served by the road. Negotiations with councils.

5 **24.** (1) The board shall not require any council or group of councils to contribute more than one-half of the cost of any work of construction or maintenance for which assistance is granted under this Division by the board: but may accept voluntary offers to contribute a greater proportion; and may, where circumstances justify it, grant assistance greater than one-half of the cost of a particular work, even to the whole. Degree of assistance. cf. C.R. Act (Vic.), 1915, ss. 27, 34, 35, 36, providing for repayment of half cost.

(2) The board may in any case advance the whole cost of any work, and accept the council's contribution by repayment as follows:—

(a) in the case of maintenance work—within such period (not less than one year) as the board may deem reasonable having regard to the expenses of the work and the finances of the council;

(b) in the case of construction work—within a period not greater than three-fourths of the board's estimate of the life of the work.

(3) The board may require the payment of interest at such rate as the board may fix on any amount advanced or owing for a longer term than one year. Interest.

(4) Every council receiving assistance under this Part shall carry out the conditions attached thereto, and execute the work to the satisfaction of the board.

30 (5) (a) The board shall not require any council to contribute in any one year for works of maintenance and construction any sums which taken together exceed the amount which would be produced by a rate of one halfpenny in the pound on the unimproved capital value of all ratable land in the council's area. Limit of 1d. in £.

(b) The amount of any contribution by a council under this Part may be paid by the council from its general fund (or in the case of a main road in an urban area, from the appropriate fund of the urban area) or may be raised by an additional general rate of not exceeding one halfpenny in the pound on the unimproved capital value of all ratable land; and in the latter

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latter case such additional general rate may be levied, notwithstanding that thereby the rates of the council will, to that extent, exceed any limit of rates laid down by or under the Local Government Act, 1919.

- 5 **25.** The Governor may, in any special case, direct that work be carried out by the board.

Governor's
reserve power
to authorise
board to do
work.

cf. C.R. Act
(Vic.), 1915,
ss. 19-23.

- 10 **26.** (1) Where the board has provided money for or has carried out any work upon any country main road, and where there is no prior agreement between the board and the councils as to their respective shares of the cost, the board may, when such money has been expended, determine—

Recovery of
portion of cost
from councils.

cf. Vic.
C.R. Act,
1915, s. 27.

- 15 (a) what areas have benefited by such expenditure ;
(b) what portion of such expenditure (not exceeding one-half) shall be repaid by the councils of such areas ;
(c) what share of such portion each council shall contribute ;
20 (d) what period of time shall be allowed for the councils to make payment of their contributions ;
(e) the interest (if any) payable (in the case of expenditure from loan moneys) ; and
25 (f) the amount and due date of each instalment of contribution.

- (2) The contributions of the councils need not be fixed at uniform rates, but may be varied according to the benefits each council's area has derived or may be expected to derive from the expenditure, and according to each council's ability to pay: Provided that the total amount charged against all of the councils shall not exceed one-half the cost.

- 30 (3) The councils shall pay the amounts of the contributions in accordance with any determination hereunder (subject to any decision given on appeal as hereinafter provided).

- (4) An area may be held to be benefited within the meaning of this section by expenditure on construction or maintenance, although the portion of the road upon

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upon which the expenditure takes place is not situated within its boundaries, if substantial traffic to and from that area passes over, or in the case of a new road will in the opinion of the board pass over, the road on which
5 such expenditure has been made.

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

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

(3) Section five hundred and twenty-two of the Local Government Act, 1919, shall be read subject to this section.

PART VI.

25 DEVELOPMENTAL ROADS.

28. (1) The Governor may, on the recommendation of the board, proclaim as a developmental road any road (not being a main road) which in the opinion of the board—
30 (a) will serve to develop or further develop any district or part of a district; or
(b) will serve to develop any area of Crown or private land by providing access to a railway station or a shipping wharf or to a road leading
35 to a railway station or a shipping wharf.

(2) The Governor may likewise repeal (as to the whole or any part of a developmental road) any proclamation declaring such road to be a developmental road.

29.

Declaration of developmental roads.
cf. Developmental Roads Act, 1918 (Vic.), s. 3.

Main Roads.

- 29.** (1) There shall be a Developmental Roads Fund, consisting of—
- (a) such sums as may be voted by Parliament from the Consolidated Revenue Fund or the Public Works Fund for this purpose;
 - (b) any sums apportioned to this purpose from moneys granted by the Government of the Commonwealth of Australia for developmental roads; and
 - (c) loans raised under any Loan Act and appropriated for developmental roads.
- (2) The Developmental Roads Fund may be used by the board for the construction of developmental roads, for the payment of interest in connection with loans as elsewhere in this Act provided, for a proportion of the salaries of the board and its staff and of any additional administrative expenses, and generally for the purposes of this Part: Provided that loan moneys in that fund shall be used only for construction of developmental roads and for such proportion of the administrative expenses as the board may consider to be reasonably chargeable to such construction: **Provided also that moneys granted by the Commonwealth Government shall be used only for construction of roads.**
- 30.** (1) Any council may apply to the board for the proclamation of a road as a developmental road.
- (2) The council may apply to the board, and the board may, if there are funds available, grant assistance towards the construction of a developmental road.
- (3) The board may provide from the Developmental Roads Fund any portion or the whole cost of the construction of a developmental road.
- (4) The council shall, for a period of twenty years from the commencement of any work under this Part, pay to the board interest on such portion of the cost of the work as has been provided by the board out of loan moneys at a rate fixed by the board as calculated to be three-fifths of the rate fixed by the board as the rate of interest chargeable on advances under Part V of this Act.
- (5) Any work under this Part shall not be commenced until the council shall have agreed to pay to the board such amounts and in such manner as Parliament may hereafter direct, towards interest on such portion of the cost of the work as has been provided by the

Develop-
mental Roads
Fund.

cf. *Ibid.* s. 6

Assistance
for develop-
mental roads.

cf. D.R. Act
(Vic.), 1918,
s. 5.

Interest.
cf. *Ibid.* s. 9

Further
conditions.

cf. D.R. Act
(Vic.), 1922,
s. 5.

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the board out of loan moneys and towards repayment of the principal of such portion; and has also agreed to comply with such further terms as to maintenance of such works as Parliament may hereafter direct: Provided
5 that any direction of Parliament hereunder as to payment of interest may be in lieu of the provisions of subsection four of this section.

(6) All moneys collected by the board in respect of developmental roads for interest shall be paid by the
10 board to the Treasurer, and by him be paid into such fund as he shall decide; and all moneys (if any) collected by the board in respect of developmental roads for principal of loan moneys shall be paid to the Treasurer and by him be paid into such fund as he may decide.

15 **31.** (1) Every developmental road shall be maintained by the council of the area in which it is situated to the satisfaction of the board in accordance with the conditions agreed between the council and the board or
as directed by Parliament as hereinbefore provided. Maintenance of developmental roads. cf. D.R. Act (Vic.), 1918, ss. 12, 13.

20 (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 require-
25 ment the board may carry out such works.

(3) Any costs and expenses of carrying out such works incurred by the board shall be repaid to the board by the council, and if not repaid within three months after demand by the board—

30 (a) may be deducted by the Treasurer from any moneys which at any time are or may become payable by him to the council; or
(b) may be recovered by the board from the council as a debt.

35 (4) Pending compliance with any requirement under this section, and pending the payment of any sum due under this section, the board may stop or delay the carrying out of any construction works on any developmental road in the council's area.

Main Roads.

PART VII.

WORKS GENERALLY.

32. (1) Where agreement cannot be made between the board and any council, or in any special case (of which the Governor shall be the judge), the Governor may authorise and direct the board to carry out works in connection with main and developmental roads: and thereupon the board shall for that purpose have all the powers of a council under the Local Government Act, 1919, and any other Acts conferring powers on a council.

When board may do work itself.
Sees. 14 post.

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

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

33. (1) Works of construction or of maintenance under this Act, in respect of main and developmental roads, may include any works which it would be within the power of a council to construct or maintain; but shall, as a general rule, be limited to works for the improvement of the carriage-way of the road, or works (whether on or off the road) to provide for its drainage and the planting of trees to provide timber and shade.

What works may be carried out.

(2) The board's decision whether any proposed work is a construction or maintenance work shall be final.

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

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

Standard plans and specifications.

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

35. An arrangement or debt of a council under this Act shall not be subject to the provisions of the Local Government Act, 1919, relating to the procedure required

Borrowing procedure.

to

Main Roads.

to be observed by a council in connection with borrowing: and it shall not be compulsory upon the council to levy a loan rate in respect thereof.

General powers of board.

- 5 **36.** (1) Subject to this Act the board may, in respect of a main or developmental road, or land to be resumed therefor, exercise the powers given by any Act to a council in respect of public roads. Board given powers of council.
- 10 (2) The granting of the powers conferred upon the board by this Act in respect of any public road shall not, except in so far as may be necessary for and during the exercise of those powers, limit or affect the powers of the council in respect of the road. Council's powers not limited.
- 15 (3) The powers conferred upon the board by this Act shall not apply to nor in respect of any work which is a "National Work."
- (4) The board shall, as soon as may be practicable, cause each main road to be marked by the erection of sign-posts at convenient places along its length and at the boundary of each area. Sign-posts.
- 20 (5) Section two hundred and fifty-four of the Local Government Act, 1919, is hereby repealed. Repeal of s. 254 of L.G. Act, 1919.
- (6) Where the board proposes to open a new road or to widen or undertake the construction of a road it may purchase or resume land in the neighbourhood of the road, and hold, replan, subdivide, and lease or resell, any or all of the land, and may open new public roads therein for the purposes of such replanning or subdivision; and may use the appropriate fund under this Act therefor. Land near main roads. Vide s. 49 (resumptions).
- 25 (7) Where, as the result of an alteration of level of a main road carried out by or at the request of the board, it becomes necessary to make alterations to a side road, the board may from the appropriate fund provide portion or the whole of the cost of such latter alterations. Alterations of levels.
- 30 **37.** (1) Where, before or after the commencement of this Act, any council has received a grant or advance of moneys for use upon main roads the council shall duly account to the board for the expenditure of such moneys not accounted for prior to such commencement and for the

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the carrying out of the terms and conditions of the grants and advances: and the board may vary such terms and conditions, or in case of default or non-compliance may require the council to refund the whole
 5 or portion of the grant. Any money so refunded shall be paid to the appropriate main roads fund according to whether the work for which it was granted is within or outside the county of Cumberland. Any sum so required to be refunded may be recovered by the board
 10 as a debt.

(2) This section shall not affect the operation of section thirteen of this Act.

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

Control of main roads.

39. (1) This clause shall not apply to any area or part of any area unless and until it is proclaimed by the Governor so to apply. Proclamation by Governor.

20 (2) The council (and the Botany Road Trust) shall not, except in accordance with a particular or general approval of the board, and with the conditions which the board may attach to such approval, grant to
 25 any person permission to place, construct, excavate, lay, or erect any room, cellar, light-well, passage, tunnel, pipe, wire, rails, or other thing whatsoever in any main road, or anything whatsoever to connect buildings on opposite sides of the road. Digging up roads. cf. s. 233 (6) of L.G. Act, 1919.

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

(4) Any council (including the Botany Road Trust) and any statutory body and any person acting
 35 under the authority of any statute and any department of the Government shall not construct, excavate, lay, or erect any room, cellar, light well, passage, tunnel, pipe, wire, rails, bridge, culvert, or other thing whatsoever in
 40 any main road without first obtaining the consent of the Structures, &c., on roads.

Main Roads.

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

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

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

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

42. Where any works are being or have been carried out by a council on main roads under this Act, the board shall, if the work is done to the board's satisfaction, allow to the council as chargeable to the cost of such work such commission as the board thinks fit, not exceeding five pounds per centum on the cost of construction or two pounds ten shillings per centum on the cost of maintenance works, for the purpose of recouping the council for clerical and engineering services in connection with such works.

PART VIII.

MISCELLANEOUS.

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

(2)

Main Roads.

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

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

(4) The board may take over from the Minister for Public Works at a valuation, and such Minister shall on reasonable notice transfer to the board any or all such lorries, road rollers, traction engines and other road-making and testing machinery, plant, and appliances as are held by such Minister at the date of the commencement of this Act and in the opinion of the board are deemed necessary for use in connection with work on main roads, and which have been used by such Minister exclusively for such work. The board shall pay to the Treasurer, for value of such plant and appliances so taken over, such sum as may be agreed between the board and the Minister for Public Works, or in default of agreement, as may be decided by the Treasurer.

44. (1) Whenever the board proposes—

(a) to recommend the proclamation of a road as a main road, or the cancellation of the proclamation of a main road, or to refuse an application from a council for such a proclamation; or

(b) to demand under Part V of this Act any contribution over one hundred pounds from a council; or

(c) to carry out itself any work in respect of which the council will probably be required under Part V of the Act to contribute a sum greater than one hundred pounds,

the board shall before finally deciding the matter give reasonable notice of its intention to the council concerned.

(2) Such council may within a reasonable period to be fixed in such notice notify the board that it desires to be heard and to call evidence in respect of the matter, and the board shall hear the council accordingly.

(3)

Council's
right to be
heard.
cf. Vic. C.R.
Act, 1915,
s. 28 (4).

See s. 32 ante.

Main Roads.

(3) The board shall serve notice on the council of its decision.

(4) Any council affected may within one month from the service of notice of any such decision serve a notice, in writing, on the board, signifying its intention to appeal therefrom to the Minister. Such notice shall state concisely the grounds of the appeal. The board shall serve a copy of such notice on the councils affected.

Right of
appeal to
Minister.

(5) The Minister shall hear and determine the appeal and may allow the other councils affected to be heard: and the board and all councils affected shall give effect to his decision.

(6) This section shall not operate to prevent the Governor from acting under section thirty-one hereof in case of emergency.

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

Duty of
councils to
supply infor-
mation.

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

cf. *Ibid.* s. 16.

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

Enforcement
of Act—
Penalty.

47. Any moneys due by a council (including the Botany Road Trust) or by a statutory body or by any person under this Act may be recovered by the board as a debt.

Recovery of
debts.

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

Various
powers of
board.

(a) what roads shall be main roads;

cf. Vic. C.R.
Act, 1915,
s. 15.

(b) the nature and extent of the resources of New South Wales in materials suitable for the purposes of road making and maintenance, and the most effective and

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- and economical methods for dealing with them, and for supplying or utilising them on main roads ;
- 5 (c) the most effective methods of road construction and maintenance for main roads ;
- (d) the methods of road administration, finance, construction, maintenance, and control of other countries ; and
- 10 (e) what deviations (if any) in existing main roads or what new main roads should in its opinion be made so as to facilitate communication and improve the conditions of traffic ;
- 15 (2) publish for general information the results of such surveys and investigations ;
- (3) co-operate with and assist councils in or carry out works which though not upon main roads are directly or indirectly for the benefit of
- 20 main roads ;
- (4) pay from the appropriate fund, or pay from Expenses of this section. and apportion between the funds, any expenses incurred by the board for the purposes of the foregoing paragraphs of this section ; and
- 25 (5) pay from the appropriate fund or pay from Payment of various expenses. cf. Qsld. M.R. Act, 1920, s. 23(b). and apportion between the funds any sum due under an agreement lawfully made for the purposes of this Act, or any sum recovered
- 30 against the board by process of law, or which the board has agreed to pay to any person in settlement of any claim brought against it for compensation or damages for or in respect of any act of the board in pursuance of its powers under this Act, or any sum which by any order
- 35 made or purporting to be made by any competent authority the board is directed to pay by way of compensation, damages, costs, fines, penalties, or otherwise.
- 40 **49.** (1) The Governor may on the application of the Various powers. board resume land under the Public Works Act, 1912, for the purposes of this Act, and may vest the whole or
- 29—C part

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part of such land in the board or proclaim the whole or part to be a public road or public reserve, and place it under the control of the council, as the board may recommend.

5 (2) The board may lease, cause to be resumed, or purchase land, provide buildings, appliances, quarries, gravel pits, and works for the manufacture, storage, and treatment of materials and appliances for the purposes of this Act, and may sell materials and appliances
10 which may be produced in excess of the board's requirements or which the board may deem it advisable to sell.

50. The board may enter into contracts and do all other acts which may be necessary or advisable for the purposes of this Act. Contracts,
and other
acts.

15 **51.** (1) Upon the recommendation of the board ordinances may be made under the Local Government Act, 1919, but subject to the Metropolitan Traffic Act, 1900, for carrying this Act into effect, and in particular for and with respect to— Ordinances.

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

(b) the prevention of damage to main roads;

(c) the prevention of the doing of things likely to injure main roads;

25 (d) the regulation of the weight of vehicles using main roads and the loads on such vehicles;

(e) the regulation of the use of vehicles likely to injure main roads;

30 (f) the weighing of vehicles and loads, the estimation of weight according to a prescribed scale for various classes of goods, the requiring of vehicles and loads to be taken to a public weighbridge for weighing; and the marking of weight on the vehicles; and

35 (g) the restriction of traffic or of any specified class of traffic to protect main roads from injury;

(h) authorising councils to grant permission for the erection on main roads in return for advertising concessions of highway light-houses or beacons.

40

Main Roads.

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

5 (3) Section three of the Motor Traffic Act, 1909, is amended by adding to paragraph (b) thereof the following :—"and the weights of the loads which may be carried upon different kinds of motor vehicles ; and regulate the carrying on motor vehicles of long,
10 large, heavy, or projecting articles."

52. (1) The Minister may certify to the board the amounts and particulars of assistance granted or promised by him before the passing commencement of this Act to various councils in respect of main and
15 developmental roads from funds to be provided for the financial year commenced on the first day of July, one thousand nine hundred and twenty-four, and may require the board to provide such assistance in accordance with such grant or promise from the appropriate
20 fund under this Act.

(2) The Treasurer may deduct from any moneys payable to the appropriate Main Roads Fund any sums expended from Revenue Votes with the approval of the Minister after the first day of July, one thousand nine
25 hundred and twenty-four, and before the commencement of this Act, in granting assistance to councils for work on main roads.

53. (1) Upon the completion of the construction of Botany-road,
Botany-road, the Botany Road Trust shall report the fact
30 to the board.

(2) The board shall thereupon arrange to take over the indebtedness of the Botany Road Trust in respect of the construction of the road, and may issue further debentures, bonds, or other securities in relation
35 thereto.

(3) When such arrangements are complete the board may recommend the Governor to issue a proclamation repealing paragraph (e) of subsection five of section thirteen and section seventeen of this Act, and
40 suspending the operation of the Botany Road Trust Constitution Act, 1922.

(4)

Main Roads.

(4) The Governor may issue such proclamation accordingly and thereupon such proclamation shall have the force of law.

(5) Upon the suspension of the Botany Road Trust Constitution Act, 1922, the members of the Trust then in office shall cease to hold office; and the operation of the provisions of the Act shall be suspended pending further legislation.

(6) The provisions of section eight of the Interpretation Act, 1897, shall apply in respect of the enactments repealed or suspended in accordance with this section.

(8) No act or proceeding of the board shall be invalidated or prejudiced by reason only of the fact that at the time when such proceeding or act was taken, done, or commenced there was a vacancy in the office of any one member.

Page 6, clause 7, subclause (2), lines 13 to 18. *Omit* all words on these lines after the words "Provided that" down to and including "Public Service" *insert* in lieu thereof the words "any certificated town or shire clerk, or certificated local government engineer, who is in the service of a council shall, if otherwise qualified, be eligible for appointment to any vacant office in the Public Service connected with the administration of this Act as if he were an officer of the Public Service, and the words 'Public Service' where they occur in sections thirty-four, thirty-five, and thirty-six of the Public Service Act, 1902, shall for the purpose of this section be taken to extend to and include such clerks and engineers"

Page 6, clause 7, subclause (3), line 20. *After* "employees" *insert* "under the rank of foreman"

Page 12, clause 11, subclause (9). *Omit* the subclause.

Page 15, clause 13, subclause (5), paragraph (c), line 8. *After* "county" *insert* "and where such construction is not covered by any other provision of this section"

Page 15, clause 13, subclause (5), paragraph (d), line 20. *After* "revenue" *insert* "or loan"

Page 21, clause 24, subclause (5), line 31. *After* "contribute" *insert* "in any one year"

Page 24, clause 29, subclause (2), line 22. At end of subclause *add* the following proviso:—

Provided also that moneys granted by the Commonwealth Government shall be used only for construction of roads.

Page 26, clause 33, subclause (1), line 22. *After* "drainage" *add* "and the planting of trees to provide timber and shade"

Page 34, clause 52, subclause (1), line 13. *Omit* "passing" *insert* "commencement"

Page 35, clause 53. *After* subclause (5) *add* new subclause as follows:—

(6) The provisions of section eight of the Interpretation Act, 1897, shall apply in respect of the enactments repealed or suspended in accordance with this section.

1924.

Legislative Council.

MAIN ROADS BILL, 1924.

(Amendments to be moved in Committee of the Whole.)

Page 5, clause 5. After subclause (5) insert new subclauses as follow:—

(6) A member of the board may be suspended or removed for misbehaviour or incompetence, as follows:—

cf. Public
Service Act,
1902, s. 8.

(a) a member of the board may be suspended from his office by the Governor for misbehaviour or incompetence, but shall not be removed from office except as hereinafter provided. The Minister shall cause to be laid before Parliament a full statement of the grounds of suspension within seven days after such suspension if Parliament be in session and actually sitting, and when Parliament is not in session or not actually sitting within seven days after the commencement of the next session or sitting;

(b) a member of the board suspended under this section shall be restored to office unless each House of Parliament within twenty-one days from the time when such statement has been laid before it, declares by resolution that the said member ought to be removed from office, and if each House of Parliament within the said time does so declare, the said member shall be removed by the Governor accordingly.

(7) A member of the board shall be deemed to have vacated his office if he—

Public
Service Act,
1902, s. 8.

- (a) engages in New South Wales during his term of office in any paid employment outside the duties of his office;
- (b) becomes bankrupt, compounds with his creditors, or makes an assignment of his salary for their benefit;
- (c) absents himself from duty for a period of fourteen consecutive days, except on leave granted by the Governor, or becomes incapable of performing his duties;
- (d) resigns his office, by writing under his hand, addressed to the Governor.

RETURN showing Estimate of the Finances for the first five years under the Main Roads Bill, 1924.

(Revised in accordance with amendments made in Bill in Legislative Assembly.)

MAIN ROADS BILL, 1924.

It is estimated that the provision made in the Bill for contributions by Governments and Councils will result in a sum of £1,991,883 per annum being made available, taking both Revenue and Loans into account, during the next five years—and that the gross total in the same period will be approximately £9,959,415.

The *pro forma* accounts below show how this estimate is arrived at.

LOAN PROVISION.

The Government will provide by General Loan Bills £3,190,000 spread over five years at the rate of £638,000 per annum, and this sum will be allocated thus:—

Fund.	Each year for five years.	Total.
A. Metropolitan Districts—	£	£
For County of Cumberland Main Roads Fund	200,000	1,000,000
B. Country Districts—		
For Country Main Roads Fund	300,000	1,500,000
For Developmental Roads Fund	*138,000	690,000
Total, Country Districts... ..	438,000	2,190,000
C. Totals	638,000	3,190,000

* This is to match the Commonwealth Vote for Main Roads development in connection with which the State must provide £ for £.

† 43891—A

GENERAL FINANCIAL SCHEME.

There will be three separate "Funds," two for the Main Roads ("County of Cumberland" and "Country" separately), and one for Developmental Roads. The following are the estimated Revenue and Expenditure of each of these "Funds":—

I.—COUNTY OF CUMBERLAND MAIN ROADS FUND.*

Revenue Account.

Probable Receipts:—

	1924-25.
(1) Motor Taxes: The motor registration fees, taxes, &c., in the County of Cumberland in 1923-24 yielded approximately £130,700. It is anticipated that in 1924-25 they will yield £168,741. This is on the present basis, allowing for the normal rate of increase in the number of cars. A revised scale of fees will, however, be submitted to Parliament, which is estimated to yield in 1924-25 approximately £235,899. Under the Bill 10 per cent. may be deducted for cost of collection, and one-half of the remainder will then belong to the County of Cumberland Main Roads Fund, the other half going to the Country Fund. On this basis the County of Cumberland Fund's share would be	£106,155
(Vide Clause 10 (2) of Bill.)	
(2) Public Vehicles: Under the Metropolitan Traffic Act the fees of public vehicles, drivers, &c., amounted to £6,342 in 1923-24, and will probably be £7,000 in 1924-25. Deducting 10 per cent. and allotting the remainder to the County of Cumberland Main Roads Fund, provides the sum of	6,300
(Vide Clause 10 (3) of Bill.)	
(3) County of Cumberland Main Roads Rate: Proceeds of requisition upon Councils in County of Cumberland not exceeding $\frac{1}{4}$ d. in the City of Sydney and not exceeding $\frac{1}{2}$ d. in the rest of County—probable maximum leviable would be:—	
(a) City of Sydney	£46,000
(b) Rest of County	168,817
	214,817
(Vide Clause 11 of Bill.)	
(NOTE.—In 1923 the various Councils in the County of Cumberland—excluding the City—spent £102,264 on Main Roads construction and £44,042 on Main Roads maintenance, making a total of £146,306. The Councils outside the City of Sydney would have to provide £168,817 as their share of the proposed new Main Roads rate, but they would be in a position to discontinue their previous expenditure on construction and maintenance, so that the new scheme only calls upon them for an increased expenditure of £22,511, which is approximately equivalent to a rate of $\frac{1}{16}$ d. in the £ on the total U.C.V. of their areas.)	
(4) Commonwealth Grants: It is probable that none of this money would be allotted to County of Cumberland	Nil.
(5) Main Roads Vote: County of Cumberland's share would be	25,000
(Vide Clause 10 (1) (c) of Bill.)	
Total "Revenue"	£352,272

* For the purposes of this return the County of Cumberland includes the Municipalities of Blackheath and Katoomba and the Shire of Blue Mountains as provided in clause 9 (3) of the Bill.

Revenue Expenditure Account.

1924-25.

(1) Administrative expenses at 1·6 per cent. (same rate as Victorian Board costs) on total maintenance and construction expenditure	£6,539
(2) Amortization of one-half of loans, totalling £1,000,000, on fifteen years' basis at 6 per cent. would cost £51,482. (Following Victoria's principle, the Government will meet half the loan commitments from Government revenues apart from Main Roads Fund, leaving half to be paid to Treasury by Board out of Councils' contributions to this Fund)—therefore charge here should be... ..	51,482
(3) "Maintenance" of County of Cumberland Main Roads	*75,000
(4) Subsidies to various Councils for past reconstruction of County of Cumberland Main Roads as per clause 13 of Bill	85,452
(5) Balance to carry to "Construction" Account	133,799
Total	£352,272

"Construction" Account (Capital Expenditure).

(6) Balance from Revenue available for Construction	£133,799
(7) Loan money proposed to be allotted each year, for five years	200,000
Total Annual amount available for Construction	£333,799

II.—COUNTRY MAIN ROADS FUND.

Revenue Account

Probable Receipts:—

(1) Motor Taxes, &c.:—

(a) Country districts' share of the amount of revenue collected in the County of Cumberland <i>vide</i> clause 10 (2) of Bill (on basis already explained under County of Cumberland estimate)	£106,155
(b) Revenues raised by State from motor taxes, fees, &c., in country districts 1923-24 yielded approximately £227,981; for 1924-25 the estimated yield is £295,259 allowing the normal rate of increase in the number of cars. A revised scale of taxes, &c., for cars, buses, lorries, &c., will, however, be submitted to Parliament, which it is anticipated will in 1924-25 yield in the country districts £384,696. Deduct 10 per cent. for cost of collection and allot the remainder to this Fund	346,227

(Vide Clause 19 (2) of Bill.)

(2) Main Roads Vote of Parliament—Country districts' share of this	90,000
<i>(Vide Clause 19 (1) (b) of Bill.)</i>	

Total Annual amount, excluding Commonwealth Grants and Councils' contributions...	£542,382
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(3) Councils' Contributions—Add contributions by Councils under the provisions of the Bill (based on the yield of $\frac{1}{2}$ d in the £ on the U.C.V. for 1923)	321,229
<i>(Vide Clause 23 (5).)</i>	

Total available, excluding Commonwealth Grants	£863,611
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(4) Commonwealth Grants.—If these be continued, as is thought probable, a proportion may be made available for Main Roads; but as it is possible that they may be restricted to "developmental" roads, nothing is included here from this source	Nil.
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Total, estimated Annual "Revenue" receipts	£863,611
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* Some adjustment is necessary in this figure—and the corresponding figure in Country Main Roads Fund—consequent on addition of Blue Mountains to County of Cumberland Main Roads Fund, but estimate not received in time to include. The gross total of maintenance in both funds will not be altered, but the distribution between the funds.

1924-25.

<i>"Construction" Account (Capital Expenditure).</i>						
(5) Balance brought down from Revenue Account...	...	...	...	...	...	£69,285
(6) Loan moneys to be allotted each year for five years	...	...	...	...	...	300,000
Total Annual amount available for Construction				...	...	<u>£369,285</u>

Total estimated Annual Receipts	...	...	...	...	...	£138,000
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Administrative expenses (probably no portion will be charged against this fund)

"Construction" (Capital) Account

DIGEST.

COMPARISON OF AMOUNTS TO BE PROVIDED BY GOVERNMENT AND BY COUNCILS.

DIGEST of above Estimates showing amounts to be provided by Government and by Councils.

Revenue—Year 1924-25.

Fund.	From Government.	From Councils.	Totals.
	£	£	£
1. County of Cumberland Main Roads Fund ...	137,455	214,817	352,272
2. Country Main Roads Fund	542,382	321,229	863,611
State Total	679,837		
3. Developmental Roads Fund	138,000 (Commonwealth item)	Nil.	138,000
Totals £	817,837	536,046	1,353,883

Loans—1924-25.

Fund.	From Government.	From Councils.	Totals.
	£	£	£
1. County of Cumberland Main Roads Fund ...	200,000	Nil.	200,000
2. Country Main Roads Fund	300,000	Nil.	300,000
3. Developmental Roads Fund	138,000 (State item)	Nil.	138,000
Totals £	638,000	Nil.	638,000
Gross Totals—Revenue and Loans ... £	1,455,837	536,046	1,991,883

FIVE YEARS' ESTIMATE.

In the first five years of the operation of the measure, using the estimate for 1924-25 as a guide, the money available for Main Road Construction, Maintenance, and Administration, will probably be very close to a total sum of £10,000,000.

DIGEST

Comparison of Amounts to be Provided by Government and by Councils.
 Report of above Estimates showing amounts to be provided by Government and by Councils.
 Figures—Year 1924-25.

Item	From Government	From Councils	Total
1. County of Cumberland Main Roads Fund ...	187,458	214,817	382,275
2. County Main Roads Fund ...	62,382	321,229	383,611
State Total ...	679,837		
3. Developmental Roads Fund ...	138,000 (Commonwealth item)	NIL	138,000
Total ...	817,837	536,046	1,353,883

Loans—1924-25.

Item	From Government	From Councils	Total
4. County of Cumberland Main Roads Fund ...	300,000	NIL	300,000
5. County Main Roads Fund ...	300,000	NIL	300,000
6. Developmental Roads Fund ...	138,000 (State item)	NIL	138,000
Total ...	538,000	NIL	538,000
Gross Totals—Revenue and Loans	1,355,837	536,046	1,891,883

FIVE YEARS' ESTIMATE

In the first five years of the operation of the measure, using the estimate for 1924-25 as a guide, the money available for Main Roads, Cumberland, Maintenance and Administration will probably be very close to a total sum of £10,000,000.

Source: Allied Forces Main Roads Survey, 1924.

1924.

Legislative Council.

Main Roads Bill, 1924.

EXPLANATORY NOTE.

THE object of this Bill is to constitute a Main Roads Board which shall be charged with the duty of assisting Councils in the work of constructing a well-organised system of main highways, with the primary object of developing the vacant lands of the State, of feeding the railway lines with traffic, of giving the settler access to wharf or rail, and of providing facilities for modern motor traffic.

The Board will consist of three members, an administrative Chairman and two Engineers. It will have a definite term of office, five years, and be eligible for reappointment. It will be appointed by the Governor, and not be subject to the Public Service Act.

It is proposed to treat the City of Sydney and its suburbs separately from the country districts. The funds for the metropolitan county (*i.e.*, the County of Cumberland) and those for the Country Districts will be separately earmarked, so that there will not be room for apprehension that the metropolitan roads will benefit at the expense of the country roads, or vice versa.

The Bill provides for allocating the motor revenue (taxes, registration fees, fines, &c.) to main roads work*; and this sum is to be equitably divided between the two separate Main Roads Funds (Cumberland and Country) as set out in the Bill. The existing public vehicle (cabs, vans, &c.) revenues in the Metropolitan Area will go into the Cumberland Main Roads Fund also.

A separate measure is to be introduced to remove anomalies in motor car taxation, and from this source it is expected that some additional revenue will be forthcoming.

A Main Roads Vote to be fixed by Parliament will also be divided between the two "Funds."

In the County of Cumberland, the Bill proposes that the Main Roads Board may requisition on Councils for a regular annual contribution to the Cumberland Main Roads Fund; but a different system is proposed for the Country Districts—no regular compulsory levy, but assistance upon application and negotiation (with provision for exceptional cases to be differently treated).

The Bill does not contain direct borrowing provisions—but contemplates that Main Road Loan moneys will be raised under separate General Loan Bills, and paid into the respective Main Roads Funds for the Board to expend.

In the County of Cumberland, in view of the Councils having to contribute a special levy, the Board will pay the whole cost of maintenance and construction of main roads from the County of Cumberland Main Roads Fund. The Board will be empowered to prepare plans and specifications and place the carrying out of the work in the hands of the Councils: but in cases where Councils decline or in special cases (as where the Councils have not a qualified engineer or have not the necessary plant) the Board may ask the Governor for and he may grant the Board authority to do the work itself.

In the Country Districts the Board will be empowered to negotiate with Councils and to make grants to assist them in the construction and maintenance of Main Roads: and it is provided that the money and the carrying out of the work must be placed in the hands of the Councils. In exceptional cases the Governor may authorise the Board to execute the works itself. The Board may require the work

* After allowing 10 per cent. for cost of collection.

to be carried out in accordance with standard plans and specifications or in accordance with special plans and specifications prepared in any particular case. The Board is empowered in special cases to bear the whole cost of a road from the Country Main Roads Fund, or whatever proportion it thinks fit, having regard to the circumstances of the case. There is definite provision that not more than half of the cost of "construction" or "maintenance" work can be debited to a Council; and that, in any case, no Council can be asked by the Board to contribute in any one year more than the equivalent of a rate of $\frac{1}{2}$ d. in the £ on the U.C.V.

Any Council aggrieved by the decision of the Board as to what is to be a Main Road or as to any share of cost allocated to it is empowered to appeal to the Minister.

In the selection of what are to be recommended to the Governor for proclamation as Main Roads the Board is required to be guided by certain general principles laid down in the Bill (clause 8). In connection with the Country Main Roads the Board is required to consider—

- (a) any representations made by the Councils through whose areas the road passes (or will pass) or whose areas the road serves (or will serve);
- (b) the funds which are or will be available for the construction and maintenance of country main roads;
- (c) whether the road is or will be the main trunk route connecting any producing district with its market or point of shipment by water or by rail;
- (d) whether the road is or will be the main trunk route of intercommunication between two or more large producing districts or between two or more large centres of population;
- (e) whether the road is or will be the main trunk route between the capital of the State or any large centre of population and any large producing district; and
- (f) whether the road is or will be the main trunk route between the capitals of this and any other State;
- (g) whether the road is or will be a tourist road to develop tourist traffic; and
- (h) the value of the proposed route from a defence point of view.

The Bill is to a large extent, but not wholly, modelled on the Victorian Country Roads Acts 1912–16, and the Victorian Developmental Roads Acts, 1918–1922. Following these latter Acts, it provides for the constitution of a Developmental Roads Fund and the distribution of moneys voted by Parliament for the construction of "Developmental" roads.

*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.*

W. S. MOWLE,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 16 September, 1924.*

New South Wales.



ANNO QUINTO DECIMO

GEORGII V REGIS.

Act No. , 1924.

An Act to provide for the better construction,
maintenance, and financing of main roads;
to provide for developmental roads; to con-
stitute a Main Roads Board; to amend the
Local Government Act, 1919, and certain
other Acts; and for purposes connected
therewith.

Main Roads.

BE it enacted by the King's Most Excellent Majesty,
by and with the advice and consent of the Legis-
lative Council and Legislative Assembly of New South
Wales in Parliament assembled, and by the authority of
5 the same, as follows :—

PART I.

PRELIMINARY.

1. (1) This Act may be cited as the "Main Roads Short title.
Act, 1924," and shall commence and come into force on
10 a date to be fixed by the Governor by proclamation.

(2) This Act shall apply to the areas of muni- Application
cipalities and shires, but shall not (except where of Act.
specifically so provided) apply to the City of Sydney
or to any irrigation area proclaimed under the Irrigation
15 Act, 1912, or constituted by the Wentworth Irrigation
Act, 1890, the Hay Irrigation Act, 1902, or the Mur-
rumbidgee Irrigation Act, 1910.

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

Division into
Parts.

PART I.—PRELIMINARY—ss. 1-4.

20 PART II.—MAIN ROADS BOARD—ss. 5-7.

PART III.—SELECTION OF MAIN ROADS—s. 8.

PART IV.—COUNTY OF CUMBERLAND—

DIVISION 1.—*Application of Part*—s. 9.

25 DIVISION 2.—*County of Cumberland Main
Roads Fund*—ss. 10-13.

DIVISION 3.—*Metropolitan main road work*—ss.
14-18.

PART V.—COUNTRY DISTRICTS—

DIVISION 1.—*Application of Part*—s. 19.

30 DIVISION 2.—*Country Main Roads Fund*—ss.
20, 21.

DIVISION 3.—*Country main road works*—ss. 22-
27.

PART VI.—DEVELOPMENTAL ROADS—ss. 28-31.

35 PART VII.—WORKS GENERALLY—ss. 32-42.

PART VIII.—MISCELLANEOUS—ss. 43-53.

Main Roads.

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

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

5 “Board” means the Main Roads Board of New South Wales established under this Act.

“Botany Road Trust” means the trust constituted under the Botany Road Trust Constitution Act, 1922.

10 “Construct” includes “reconstruct,” and the carrying out of permanent improvements.

“Council” includes the Municipal Council of Sydney, and includes the Botany Road Trust where so provided in this Act.

15 “Country main road” means a main road outside the county of Cumberland.

“Developmental road” means any road, route, or means of access declared to be a developmental road under this Act or any part of such developmental road. cf. Qld., 14 Geo. V, No. 12, s. 2.

20 “Main road” includes a proposed main road or proposed deviation thereof.

25 “Maintenance” includes all works of every description which are, in the opinion of the board, calculated to keep the carriage-way of any main or developmental road, and any drain draining such carriage-way, and to keep any bridge, culvert, causeway, fence, or any work on such road in the same state of usefulness as it was in at the time it was declared to be a main or developmental road, or in the same state of usefulness as it was in after construction under the provisions of this Act. cf. Country Roads Act, 1915 (Vic.), s. 3.

30 “Metropolitan area” means the Sydney metropolitan area as described in Schedule Four of the Local Government Act, 1919.

35 “Metropolitan main road” means a main road in the county of Cumberland.

“Permanent

Main Roads.

- 5 "Permanent improvement" includes a new main or developmental road, a deviation or a widening of an existing main or developmental road, a work for the drainage of a main or developmental road, and all works of every description (exclusive of maintenance) which are in the opinion of the board calculated to increase the usefulness of a main or developmental road, and also includes tree planting.
- 10 "Public road" includes proposed public road or a proposed deviation.
- "Treasurer" means the Colonial Treasurer.
- 15 4. (1) This Act shall be read with the Local Government Act, 1919, and words used in this Act which are defined in that Act shall, unless inconsistent with the context or subject-matter of this Act, have the meanings by that Act ascribed to them. cf. Country Roads Act, 1915 (Vic.), s. 3.
- (2) In so far as this Act confers powers or imposes duties upon councils, such powers and duties shall apply in respect of each municipality or shire to the council thereof, and in respect of the city of Sydney shall apply to the municipal council of Sydney. Adaptation of Acts—application to councils.

PART II.

MAIN ROADS BOARD.

- 25 5. (1) There shall be a Main Roads Board, which shall consist of a president and two other members appointed from time to time by the Governor, and the provisions of the Public Service Act, 1902, shall not apply to their appointment. Appointment of board. cf. Vic. C.R. Act, 1902.
- 30 (2) Two of the members of the board shall be engineers having special knowledge of road construction.
- (3) The salaries of the members shall be fixed by the Governor.
- 35 (4) The President shall be the "permanent head" within the meaning of the Public Service Act, 1902, and any Act amending the same.

Main Roads.

(5) The members of the board shall be appointed for a term of five years, and shall be eligible for re-appointment: Provided that on the occurrence of a vacancy, an appointment shall be made for the remainder of the unexpired term of the vacant office.

6. (1) The board shall be a body corporate, with perpetual succession and a common seal, and may sue and be sued in its corporate name; and shall, for the purposes and subject to the provisions of this Act, be capable of purchasing, holding, granting, demising, disposing of, or otherwise dealing with real and personal property, and of doing and suffering all such other acts and things as bodies corporate may by law do and suffer. The corporate name of the board shall be "The Main Roads Board of New South Wales."

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

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

(4) No action or suit shall be brought or maintained against any person who is, or at any time has been, a member of the board for anything done or omitted by him pursuant to the duties imposed upon him by this Act, nor shall any action, suit, or other proceeding lie, nor any costs be payable in respect of any proceeding before the board.

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

(6) In case of the illness, suspension, or absence of any member of the board, a deputy may be appointed by the Governor to act for such member during his illness,

Main Roads.

illness, suspension, or absence; and every such deputy shall, during the time he acts as deputy, have all the powers and authority of such member.

7. (1) For the purpose of carrying out the powers, 5 duties, authorities, and obligations conferred or imposed upon the board by this or any other Act the board, with the approval of the Minister of the department concerned, may make use of the services of any of the officers and employees of the Public Service.

Employment and appointment of officers and employees. cf. Vic. Country Roads Act, 1915, s. 13. Staff under Public Service Act, 1902.

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

Provided that no such appointment shall be made without the concurrence of the Board, and that any 15 employee in the service of a council shall have the same right to consideration for such appointment as is provided by the Public Service Act, 1902, for an officer of the Public Service.

(3) The board may appoint, employ, and dismiss 20 such casual employees as it deems necessary for the purposes of this Act, and may fix wages and conditions of employment where these are not fixed in accordance with the provisions of other Acts.

Casual employees.

(4) The board shall apportion the salaries and 25 expenses of the board and its staff, and any additional administrative expenses, in an equitable manner between, and charge the amounts so apportioned upon, the County of Cumberland Main Roads Fund and the Country Main Roads Fund.

Division of administrative expenses. cf. ss. 12, 20, 28, post.

30 (5) Any member of the board who at the date of his appointment was, or is, an officer of the public service shall, in the event of his office on the board being discontinued or in the event of the dissolution of the board, be eligible on the recommendation of the Public 35 Service Board to be appointed to some office in the public service corresponding in classification and salary to that which he held at the date of his appointment to the board.

Members eligible for public service. cf. C.R. Act, 1915 (Vic.), s. 14.

Main Roads.

PART III.

SELECTION OF MAIN ROADS.

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

(2) Any proclamation of any road as a main road under the Local Government Act, 1919, before the passage of this Act (such proclamation not having been repealed) shall continue in force for the purposes of and subject to the provisions of this Act.

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

- 15 (a) any representations made by the councils through whose areas the road passes (or will pass) or whose areas the road serves (or will serve);
- (b) the funds which are or will be available for the construction and for the regular maintenance of metropolitan main roads;
- 20 (c) whether the road is or will be a main trunk route for traffic between the business centres of the metropolitan area and the other parts of the county of Cumberland;
- 25 (d) whether the road is or will be a main trunk route for traffic between one part of the said county and another;
- (e) whether the traffic along the road is mainly local, that is arising or terminating within the area in which the road is situated, or whether it is or will be mainly through traffic;
- 30 (f) whether the road is or will be a tourist road to develop tourist traffic; and
- 35 (g) the value of the proposed route from a defence point of view.

(4) In considering whether to recommend the proclamation of a country main road the board shall consider—

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

Main Roads.

- (b) the funds which are or will be available for the construction and maintenance of country main roads;
- 5 (c) whether the road is or will be the main trunk route connecting any producing or likely producing district with its market or point of shipment by water or by rail;
- 10 (d) whether the road is or will be the main trunk route of intercommunication between two or more producing districts, or between two or more centres of population;
- 15 (e) whether the road is or will be the main trunk route between the capital of the State, or any centre of population, and any producing district;
- (f) whether the road is or will be the main trunk route between the capitals of this and any other State;
- 20 (g) whether the road is or will be a tourist road to develop tourist traffic; and
- (h) the value of the proposed route from a defence point of view.

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

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

(7) Subsection (3A) of section two hundred and twenty-six of the Local Government Act, 1919, is
30 hereby repealed.

Repeal of
s. 226 (3A) of
L.G. Act,
1919.

Main Roads.

PART IV.

COUNTY OF CUMBERLAND.

DIVISION 1.—*Application of Part.*

9. (1) This Part shall apply to the county of Cum- Application
berland; and to the Municipal Council of the City of of this Part.
Sydney, and to the councils of those municipalities and
shires of which any portion lies within the county of
Cumberland.

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

(3) For the purpose of this Act the municipalities
of Katoomba and Blackheath and the shire of the Blue
Mountains shall be deemed to be included in the county
of Cumberland.

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

Receipts.

10. (1) There shall be a County of Cumberland County of
Main Roads Fund, consisting of— Cumberland
Main Roads
Fund.
- (a) a sum to be paid by the Treasurer as hereinafter Motor
provided from the amount collected after the revenue.
thirtieth day of June, one thousand nine hun- Vide
dred and twenty-four, as taxes, fees, and fines subsec. 2 of
under the Motor Traffic Act, 1909, and the this section.
 - (b) a sum to be paid by the Treasurer as hereinafter Public vehicle
provided from the amount collected after the revenue.
thirtieth day of June, one thousand nine hun- Vide
dred and twenty-four, under the Metropolitan subsec. 3 of
Traffic Act, 1900; this section.
 - (c) a sum not less than twenty-five thousand
pounds to be appropriated by Parliament each
year, commencing the first day of July, one
thousand nine hundred and twenty-four, for
County of Cumberland Main Roads subsidy
and to be paid to the fund ;
 - (d)

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- (d) such other revenues (if any) as the law may direct to be paid into the County of Cumberland Main Roads Fund, or as may be voted by Parliament for the purpose;
- 5 (e) any sums apportioned to metropolitan main roads from moneys granted by the Government of the Commonwealth of Australia for the development of main roads;
- (f) contributions by councils under this Part; and
- 10 (g) loans raised under any Loan Act and appropriated for metropolitan main roads.
- (2) As from the thirtieth day of June, one thousand nine hundred and twenty-four, the proceeds of the taxes and fees under the Motor Traffic Act, 1909, and the
 15 Motor Vehicle (Taxation) Act, 1916, on vehicles owned by and licenses issued to persons resident in the said county, and the proceeds of penalties imposed in that county under those Acts, shall in the first place be paid into a special account in the Treasury: and after
 20 deducting a sum fixed by the Treasurer not exceeding ten per centum thereof for cost of collection (which shall be paid to Consolidated Revenue Fund), one-half of the remainder shall be paid by the Treasurer not less frequently than once in each three months into the
 25 County of Cumberland Main Roads Fund and the other half shall be paid into the Country Main Roads Fund hereafter provided for. Motor taxation.
See s. 19 (2).
- (3) As from the thirtieth day of June, one thousand nine hundred and twenty-four, the proceeds of the fees
 30 charged for licenses of drivers and of vehicles (including public vehicles) issued under the Metropolitan Traffic Act, 1900, and the proceeds of penalties imposed under that Act, shall be paid into a special account in the Treasury: and after deducting a sum fixed by the Treasurer not
 35 exceeding ten per centum thereof for cost of collection (which shall be paid to Consolidated Revenue Fund) the remainder shall be paid by the Treasurer not less frequently than once in each three months into the County of Cumberland Main Roads Fund. Fees of vehicles.
- (4) Within one month after the appointment of
 40 the board the Treasurer shall pay into the County of Cumberland Main Roads Fund the sum of twenty
 thousand First advance on inauguration of board.
See also s. 19 (3).

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thousand pounds as an advance on account of moneys which may subsequently become payable to that fund from the Consolidated Revenue Fund hereunder.

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

10 (2) The board may require the first contribution to be paid in and for the year in which the requisition is served or in and for the next year, as may seem to the board to be reasonable taking into consideration the date of the commencement of this Act. The 15 requisition of the board for each succeeding year's contribution shall be served upon the councils towards the close of the year preceding that in and for which the contribution is to be paid.

(3) The first year's contribution shall be due 20 and payable at the expiration of a period to be stated in the requisition, and subsequent contributions shall be due and payable in the first half of the council's financial year: Provided that in either case the board may grant to any council an extension of time for payment.

25 (4) The contribution under this section by each ^{Limit of} council shall (subject to the proviso hereunder) be ^{in £.} calculated at such a uniform rate in the pound upon the unimproved capital value of ratable land (or ratable property as the case may be) in their respective areas 30 as the board may fix, but not in any case exceeding one halfpenny in the pound on the said value:

Provided that the rate in the pound of the contribution of the Municipal Council of Sydney shall be one-half of the rate in the pound of the contribution of the other 35 councils in the metropolitan area.

(5) Where any parcel of land is valued as one ^{Farming} assessment and is principally used for the time being ^{land—lower} rate. for rural primary production the council may reduce its levy upon the person ratable by one-half of such 40 rate and may make a corresponding reduction in the amount of the contribution payable to the board:

Provided

Main Roads.

Provided that in any such case the onus of proof that the reduction is authorised by this section shall lie on the council in case of dispute.

(6) Each council shall pay the contribution accordingly; and the board shall pay it into the County of Cumberland Main Roads Fund.

(7) The contribution of a council under this Act may be paid in the first place from the General (or City) Fund, and if the council's area is wholly within the county of Cumberland may be added to any rate levied for general purposes or may be levied by the council as a separate special rate, and if the council's area is only partly within the county of Cumberland, shall be levied by the council as a separate local rate upon all ratable lands or ratable property which are both within the area of the council and within the county of Cumberland. Where levied as a separate special or local rate it may be used to recoup the General (or City) Fund to the extent of any payments made from that fund under this Act.

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

(9) The portion of its revenue used by a council to make its contribution under this Part shall not be taken into account as revenue for the purposes of any agreement made by a conciliation committee (or any award made by a court) in relation to the fixing of the salaries or wages of any servants of the council.

Expenditure.

12. The County of Cumberland Main Roads Fund may be used by the board for the permanent improvement and maintenance of main roads in the county of Cumberland, for the payment of expenses, interest, and principal in connection with loans as elsewhere in this Act provided, for a proportion of the salaries and expenses

Main Roads.

expenses of the board and its staff, and of any additional administrative expenses, and generally for the purposes of this Part: Provided that loan moneys in that fund shall be used only for construction of metropolitan main roads, and for such proportion of the administrative expenses as the board may consider to be reasonably chargeable to such construction.

Adjustments with Treasury and councils.

13. (1) (a) Where at the commencement of this Act ^{Financial} any council owes to the Treasurer or Minister for Public ^{adjustments.} Works or Minister for Local Government any sum of money in respect of the reconstruction of any main road ^{See s. 37 (2)} in the said county, or in respect of any advance made ^{post.} for the reconstruction of any such road under section 15 five hundred and thirty-nine of the Local Government Act, 1919, the Treasurer or such Minister shall, upon payment of the instalments of interest and principal and any additional sum which fell due before the said commencement, write off any remaining balance of the 20 debt.

(b) Such balance so written off shall be debited by the Treasurer to the County of Cumberland Main Roads Fund, to be paid as hereinafter provided.

(2) There shall be debited to the County of ^{Various} Cumberland Main Roads Fund one-half of the sums ^{metropolitan} expended during the Government financial years 1920- ^{main road} 21, 1921-22, 1922-23, 1923-24, and 1924-25 from the ^{works.} "General Loan Account" or "Public Works Fund" upon works for the construction of any metropolitan main 30 roads other than works which are the subject of debit under subsection one of this section, less any sums already repaid on account of such expenditure by any councils.

(3) The board shall each year pay to the ^{Payments to} Treasurer from the County of Cumberland Main Roads ^{Treasury.} 35 Fund—

(a) for credit of the Consolidated Revenue Fund such sum as the Treasurer shall require to meet the interest payable on the sums debited to the County of Cumberland Main Roads Fund under the preceding subsections of this section ; 40

(b)

Main Roads.

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

(4) The board shall each year pay to the Treasurer from the County of Cumberland Main Roads Fund—

10 (a) for credit of the Consolidated Revenue Fund such sum as the Treasurer shall require to meet one-half the interest payable by him on the loans raised under any Loan Act after the commencement of this Act and appropriated for metropolitan main roads; and

15 (b) for credit of the General Loan Account such sum as the Treasurer shall require to provide for the repayment within a term of fifteen years (or such longer term as the Treasurer may approve) of one-half of the principal amount of such loans.

20 (5) (a) Where at the commencement of this Act any council owes any money in respect of a loan or time payment agreement which was expended upon the reconstruction or permanent improvement of any main road in the said county the council may ask the board to agree to subsidise the council each year (for such period as may be necessary) to the extent of part or the whole of the interest and instalments of repayment on the amount so owing. The board shall grant to the council such subsidy, taking into account the character of work done upon the road, its suitability to the traffic, and the manner in which it has been maintained, and thus estimating the extent to which the board considers the work done constitutes a saving of future expense to the board.

Subsidy towards existing loans of councils for main roads.

30 (b) Where at such commencement any council has not spent moneys borrowed for such reconstruction as aforesaid it may confer with the board, and with the board's approval, subject to such alteration of plans and specifications as the board may require, may complete

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complete the expenditure of the loan, and thereupon the provisions of the preceding paragraph of this subsection shall apply.

- (c) Where within three years of such com-
 5 mencement any council has expended money, either Expenditure within last three years.
 from any special fund or from revenue, other than Government grants, upon the construction of any main road in the said county, the council may ask the board to reimburse the council to the extent of part or the whole
 10 of the capital cost of the permanent improvement. The board shall grant to the council such subsidy as it deems fit, taking into account the character of the work done upon the road, the suitability to the traffic, and the manner in which it has been maintained, and thus
 15 estimating the extent to which the board considers the work done constitutes a saving of future expenditure to the board.

- (d) Any council may, pending the appoint-
 20 ment of the board, give notice to the Minister that it Proposed immediate expenditure.
 proposes, out of revenue, to reconstruct in concrete any specified section of its main roads, and submit plans and specifications, and the Minister may approve on behalf of the board. In any such case the board shall on its appointment grant a subsidy or rebate of contributions
 25 in respect of such reconstruction in concrete sufficient to repay the cost of such reconstruction within a period not greater than three-quarters of the estimated life of the work.

- (e) The preceding provisions of this subsec-
 30 tion shall not apply to the Botany Road Trust, but each Botany Road Trust.
 of the constituent councils under the Botany Road Trust Constitution Act, 1922, may apply to the board for subsidy under the preceding paragraphs of this subsection, and the board shall grant subsidy accordingly,
 35 and may apply this subsection mutatis mutandis to such councils, to the Botany Road, and to the amounts owing by the councils to the Botany Road Trust.

- (f) Where the Government of the State of
 New South Wales has undertaken to provide a subsidy
 40 or contribution to the Botany Road Trust or to any Certain Government liabilities for subsidy transferred to board.
 council in connection with the reconstruction of any
 metropolitan

Main Roads.

metropolitan main road, the liability for such subsidy or contribution shall be transferred from the said Government to the board in addition to any subsidy granted by the board under this subsection.

- 5 (g) The board may authorise the deduction of any subsidy due to a council from any payment due to the board by that council.

DIVISION 3.—*Metropolitan main road work.*

- 10 **14.** (1) The board shall decide what works of construction or of maintenance shall be carried out on a metropolitan main road.

Decision as to works.
cf. C.R. Act (Vic.), 1915, ss. 22, 23.

(2) Before so deciding the board shall consider the representations (if any) of the councils of the areas in which the works will be situated.

- 15 **15.** (1) Where the board has decided that any work of construction or of maintenance is necessary, the board may (except where otherwise authorised by the Governor) offer to place the carrying out of the work in the hands of the council, and to make an agreement with the council accordingly.

Who to execute work.
cf. *Ibid.* s. 23.

- 20 (2) Where an agreement is made the board shall pay the cost (or instalments thereof) from the County of Cumberland Main Roads Fund to the council in trust, to be expended on the said works in accordance with the agreement: and the council shall account to the board therefor.

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

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

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

Boundary works.

Main Roads.

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

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

17. The Botany Road Trust may continue the Botany Road.
construction of that road in accordance with the
15 Botany Road Trust Constitution Act, 1922: and upon such construction being completed on any section of the road, and on notice of such completion being served by the trust on, and after inspection accepted by, the board, this Division of this Act shall for the purposes of any
20 subsequent construction and of maintenance apply to that section and to the Botany Road Trust as if that trust were a council and as if the section of the road so reconstructed were the "area" of the council.

18. A council may apply to the board to declare a Secondary
main roads.
25 road to be a secondary road for the purposes of this Act on the ground that such road carries a substantial amount of through traffic and thereby relieves a neighbouring main road of traffic which it would otherwise have to bear. The board may by notification
30 declare any such road to be a secondary road, and may grant such assistance towards its construction and maintenance (from the County of Cumberland Main Roads Fund) as the board sees fit, taking into account the extent to which the road serves to relieve the neigh-
35 bouring main road.

Main Roads.

PART V.

COUNTRY DISTRICTS.

DIVISION 1.—*Application of this Part.*

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

Application
of this Part.

DIVISION 2.—*Country Main Roads Fund.**Receipts.*

10

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

Country i
Roads Fund.
cf. Vic. C.R. Act,
1915, s. 38.

15

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

Motor
revenue.
Vide s. 10 (2)
and subsec.
(2) of this
section.

20

(b) a sum not less than ninety thousand pounds to be appropriated by Parliament each year, commencing the first day of July, one thousand nine hundred and twenty-four, for Country Main Roads subsidy, and to be paid to the fund;

25

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

30

(d) any sums apportioned to country main roads from moneys granted by the Government of the Commonwealth of Australia for the development of main roads;

(e) contributions by councils under this Part; and

35

(f) loans raised under any Loan Act and appropriated for country main roads.

(2)

Main Roads.

- (2) As from the thirtieth day of June, one thousand nine hundred and twenty-four, the proceeds of the taxes and fees under the Motor Traffic Act, 1909, and the Motor Vehicle (Taxation) Act, 1916, on vehicles owned by
 5 and licenses issued to persons not resident in the county of Cumberland, and the proceeds of penalties imposed outside that county under those Acts, shall in the first place be paid into a special account in the Treasury :
 10 and after deducting a sum fixed by the Treasurer not exceeding ten per centum thereof for cost of collection (which shall be paid to Consolidated Revenue Fund), the whole of the remainder shall be paid by the Treasurer not less frequently than once in each three months into the Country Main Roads Fund.
- 15 (3) Within one month after the appointment of the board the Treasurer shall pay into the Country Main Roads Fund the sum of twenty thousand pounds as an advance on account of moneys which may subsequently become payable to that fund from Consolidated
 20 Revenue Fund hereunder.

Motor
taxation.
See also s. 10
(2) re share
of metro-
politan motor
taxation
payable to
Country
M.R. Fund.

See also
s. 10 (4).

Expenditure.

- 21.** (1) The Country Main Roads Fund may be used by the board for the construction and for the maintenance of country main roads, for the payment
 25 of expenses, interest and principal in connection with loans as elsewhere in this Act provided, for a proportion of the salaries and expenses of the board and its staff, and of any additional administrative expenses, and generally for the purposes of this Part : Provided that
 30 loan moneys in that fund shall be used only for the construction of country main roads and for such proportion of the administrative expenses as the board may consider to be reasonably chargeable to such construction.
- 35 (2) The board shall each year pay to the Treasurer from the Country Main Roads Fund—
 (a) for credit of the Consolidated Revenue Fund such sum as the board may have collected from councils as interest upon the councils' share of
 40 any expenditure made out of loans raised after the

Expenditure.

Main Roads.

- the commencement of this Act under any Loan Act and appropriated for country main roads ;
- (b) for credit of the General Loan Account such sum as the board may have collected from councils as instalments of repayment of the councils' share of any expenditure made out of such loans.

DIVISION 3.—*Country main road works.*

22. (1) Each council through whose area a country main road passes may, if it desires assistance from the board in the carrying out of any work thereon (whether of construction or of maintenance), apply to the board for such assistance : and in such case it shall furnish to the board—

- (a) a detailed report by the council's engineer (or other proper servant where there is no engineer) as to the condition of the road, as to the works of construction or of maintenance which are necessary thereon, and the relative urgency of such works, together with any necessary plans and specifications, and an estimate of the cost of each such work ;
- (b) the views of the council on such report, particularly as to what works are needed, and their relative order of urgency ; and
- (c) a formal application for such assistance as the council deems necessary : and a statement of what amount (if any) the council will undertake to contribute toward the cost of each work.

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

23. (1) The board may, if it consider any work of construction or of maintenance is necessary on a country main road, offer assistance to the council for the execution of that work according to conditions, plans, and specifications to be supplied or approved by the board.

(2)

Main Roads.

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

Negotiations
with
councils.

5 **24.** (1) The board shall not require any council or group of councils to contribute more than one-half of the cost of any work of construction or maintenance for which assistance is granted under this Division by the board: but may accept voluntary offers to contribute 10 a greater proportion; and may, where circumstances justify it, grant assistance greater than one-half of the cost of a particular work, even to the whole.

Degree of
assistance.
cf. C.R.
Act (Vic.),
1915, ss. 27,
34, 35, 36,
providing
for repay-
ment of half
cost.

(2) The board may in any case advance the whole cost of any work, and accept the council's contri-
15 bution by repayment as follows:—

(a) in the case of maintenance work—within such period (not less than one year) as the board may deem reasonable having regard to the expenses of the work and the finances of the council;

20 (b) in the case of construction work—within a period not greater than three-fourths of the board's estimate of the life of the work.

(3) The board may require the payment of
25 interest at such rate as the board may fix on any amount advanced or owing for a longer term than one year.

Interest.

(4) Every council receiving assistance under this Part shall carry out the conditions attached thereto, and execute the work to the satisfaction of the board.

30 (5) (a) The board shall not require any council to contribute for works of maintenance and construction any sums which taken together exceed the amount which would be produced by a rate of one halfpenny in the pound on the unimproved capital value of all ratable
35 land in the council's area.

Limit of $\frac{1}{2}$ d.
in £.

(b) The amount of any contribution by a council under this Part may be paid by the council from its general fund (or in the case of a main road in an urban area, from the appropriate fund of the urban area) or
40 may be raised by an additional general rate of not exceeding one halfpenny in the pound on the unimproved capital value of all ratable land; and in the latter

cf. s. 34 of
Vic. C.R.
Act, 1915
amended by
s. 2 of C.R.
Act, 1916

Main Roads.

latter case such additional general rate may be levied, notwithstanding that thereby the rates of the council will, to that extent, exceed any limit of rates laid down by or under the Local Government Act, 1919.

- 5 **25.** The Governor may, in any special case, direct that work be carried out by the board.

Governor's
reserve power
to authorise
board to do
work.

cf. C.R. Act
(Vic.), 1915,
ss. 19-23.

- 26.** (1) Where the board has provided money for or has carried out any work upon any country main road, and where there is no prior agreement between the board and the councils as to their respective shares of the cost, the board may, when such money has been expended, determine—

Recovery of
portion of cost
from councils.

cf. Vic.
C.R. Act,
915 .

- 15 (a) what areas have benefited by such expenditure ;
(b) what portion of such expenditure (not exceeding one-half) shall be repaid by the councils of such areas ;
(c) what share of such portion each council shall contribute ;
20 (d) what period of time shall be allowed for the councils to make payment of their contributions ;
(e) the interest (if any) payable (in the case of expenditure from loan moneys) ; and
25 (f) the amount and due date of each instalment of contribution.

- (2) The contributions of the councils need not be fixed at uniform rates, but may be varied according to the benefits each council's area has derived or may be expected to derive from the expenditure, and according to each council's ability to pay: Provided that the total amount charged against all of the councils shall not exceed one-half the cost.

- (3) The councils shall pay the amounts of the contributions in accordance with any determination hereunder (subject to any decision given on appeal as hereinafter provided).

- (4) An area may be held to be benefited within the meaning of this section by expenditure on construction or maintenance, although the portion of the road upon

Main Roads.

upon which the expenditure takes place is not situated within its boundaries, if substantial traffic to and from that area passes over, or in the case of a new road will in the opinion of the board pass over, the road on which
5 such expenditure has been made.

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

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

(3) Section five hundred and twenty-two of the Local Government Act, 1919, shall be read subject to this section.

PART VI.**25 DEVELOPMENTAL ROADS.**

28. (1) The Governor may, on the recommendation of the board, proclaim as a developmental road any road (not being a main road) which in the opinion of the board—
30 (a) will serve to develop or further develop any district or part of a district; or
(b) will serve to develop any area of Crown or private land by providing access to a railway station or a shipping wharf or to a road leading
35 to a railway station or a shipping wharf.

(2) The Governor may likewise repeal (as to the whole or any part of a developmental road) any proclamation declaring such road to be a developmental road.

29.

Declaration
of develop-
mental roads.
cf. Develop-
mental Roads
Act, 1918
(Vic.), s. 3.

Main Roads.

29. (1) There shall be a Developmental Roads Fund, consisting of— Develop-
mental Roads
Fund.

- (a) such sums as may be voted by Parliament from the Consolidated Revenue Fund or the Public Works Fund for this purpose; cf. *Ibid.* s. 6.
- 5 (b) any sums apportioned to this purpose from moneys granted by the Government of the Commonwealth of Australia for developmental roads; and
- 10 (c) loans raised under any Loan Act and appropriated for developmental roads.

(2) The Developmental Roads Fund may be used by the board for the construction of developmental roads, for the payment of interest in connection with

15 loans as elsewhere in this Act provided, for a proportion of the salaries of the board and its staff and of any additional administrative expenses, and generally for the purposes of this Part: Provided that loan moneys in that fund shall be used only for construction

20 of developmental roads and for such proportion of the administrative expenses as the board may consider to be reasonably chargeable to such construction.

30. (1) Any council may apply to the board for the proclamation of a road as a developmental road.

25 (2) The council may apply to the board, and the board may, if there are funds available, grant assistance towards the construction of a developmental road. Assistance
for develop-
mental roads.
cf. D.R. Act
(Vic.), 1918,
s. 5.

(3) The board may provide from the Developmental Roads Fund any portion or the whole cost of

30 the construction of a developmental road.

(4) The council shall, for a period of twenty Interest.
years from the commencement of any work under this cf. *Ibid.* s. 9.
Part, pay to the board interest on such portion of the cost of the work as has been provided by the board out

35 of loan moneys at a rate fixed by the board as calculated to be three-fifths of the rate fixed by the board as the rate of interest chargeable on advances under Part V of this Act.

(5) Any work under this Part shall not be Further
conditions.
cf. D.R. Act
(Vic.), 1922,
s. 5.
40 commenced until the council shall have agreed to pay to the board such amounts and in such manner as Parliament may hereafter direct, towards interest on such

portion

Main Roads.

portion of the cost of the work as has been provided by the board out of loan moneys and towards repayment of the principal of such portion; and has also agreed to comply with such further terms as to maintenance of
 5 such works as Parliament may hereafter direct: Provided that any direction of Parliament hereunder as to payment of interest may be in lieu of the provisions of subsection four of this section.

(6) All moneys collected by the board in respect
 10 of developmental roads for interest shall be paid by the board to the Treasurer, and by him be paid into such fund as he shall decide; and all moneys (if any) collected by the board in respect of developmental roads for principal of loan moneys shall be paid to the Treasurer and
 15 by him be paid into such fund as he may decide.

31. (1) Every developmental road shall be main-
 20 tained by the council of the area in which it is situated to the satisfaction of the board in accordance with the conditions agreed between the council and the board or
 as directed by Parliament as hereinbefore provided.

Maintenance
 of develop-
 mental roads.
 cf. D.R. Act
 (Vic), 1918,
 ss. 12, 13.

(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.
 25 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 repaid to the board by the council, and if not repaid within three
 30 months after demand by the board—

(a) may be deducted by the Treasurer from any moneys which at any time are or may become payable by him to the council; or

(b) may be recovered by the board from the
 35 council as a debt.

(4) Pending compliance with any requirement under this section, and pending the payment of any sum due under this section, the board may stop or delay the carrying out of any construction works on any develop-
 40 mental road in the council's area.

Main Roads.

PART VII.

WORKS GENERALLY.

32. (1) Where agreement cannot be made between the board and any council, or in any special case (of which the Governor shall be the judge), the Governor may authorise and direct the board to carry out works in connection with main and developmental roads : and thereupon the board shall for that purpose have all the powers of a council under the Local Government Act, 1919, and any other Acts conferring powers on a council.

When board may do work itself.

See s. 44 post.

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

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

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

What works may be carried out.

(2) The board's decision whether any proposed work is a construction or maintenance work shall be final.

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

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

Standard plans and specifications.

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

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

Borrowing procedure.

General

Main Roads.

General powers of board.

36. (1) Subject to this Act the board may, in respect of a main or developmental road, or land to be resumed therefor, exercise the powers given by any Act to a council in respect of public roads. Board given powers of council.

(2) The granting of the powers conferred upon the board by this Act in respect of any public road shall not, except in so far as may be necessary for and during the exercise of those powers, limit or affect the powers of the council in respect of the road. Council's powers not limited.

(3) The powers conferred upon the board by this Act shall not apply to nor in respect of any work which is a "National Work."

(4) The board shall, as soon as may be practicable, cause each main road to be marked by the erection of sign-posts at convenient places along its length and at the boundary of each area. Sign-posts.

(5) Section two hundred and fifty-four of the Local Government Act, 1919, is hereby repealed. Repeal of s. 254 of L.G. Act, 1919.

(6) Where the board proposes to open a new road or to widen or undertake the construction of a road it may purchase or resume land in the neighbourhood of the road, and hold, replan, subdivide, and lease or resell, any or all of the land, and may open new public roads therein for the purposes of such replanning or subdivision; and may use the appropriate fund under this Act therefor. Land near main roads. Vide s. 47 (re-surreptions).

(7) Where, as the result of an alteration of level of a main road carried out by or at the request of the board, it becomes necessary to make alterations to a side road, the board may from the appropriate fund provide portion or the whole of the cost of such latter alterations. Alterations of levels.

37. (1) Where, before or after the commencement of this Act, any council has received a grant or advance of moneys for use upon main roads the council shall duly account to the board for the expenditure of such moneys not accounted for prior to such commencement and for the carrying out of the terms and conditions of the grants and advances: and the board may vary such terms. Main road grants.

Main Roads.

terms and conditions, or in case of default or non-compliance may require the council to refund the whole or portion of the grant. Any money so refunded shall be paid to the appropriate main roads fund according to whether the work for which it was granted is within or outside the county of Cumberland. Any sum so required to be refunded may be recovered by the board as a debt.

(2) This section shall not affect the operation of section thirteen of this Act.

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

Power to
build minor
roads.

Control of main roads.

39. (1) This clause shall not apply to any area or part of any area unless and until it is proclaimed by the Governor so to apply.

Proclamation
by Governor.

(2) The council (and the Botany Road Trust) shall not, except in accordance with a particular or general approval of the board, and with the conditions which the board may attach to such approval, grant to any person permission to place, construct, excavate, lay, or erect any room, cellar, light-well, passage, tunnel, pipe, wire, rails, or other thing whatsoever in any main road, or anything whatsoever to connect buildings on opposite sides of the road.

Digging up
roads.
cf. s. 233 (6)
of L. G. Act,
1919.

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

(4) Any council (including the Botany Road Trust) and any statutory body and any person acting under the authority of any statute and any department of the Government shall not construct, excavate, lay, or erect any room, cellar, light well, passage, tunnel, pipe, wire, rails, bridge, culvert, or other thing whatsoever in any main road without first obtaining the consent of the board. The board may, if circumstances render it necessary, withhold such approval for such period as the board may see fit.

Structures,
&c., on roads.

(5)

Main Roads.

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

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

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

42. Where any works are being or have been carried out by a council on main roads under this Act, the board shall, if the work is done to the board's satisfaction, allow to the council as chargeable to the cost of such work such commission as the board thinks fit, not exceeding five pounds per centum on the cost of construction or two pounds ten shillings per centum on the cost of maintenance works, for the purpose of recouping the council for clerical and engineering services in connection with such works.

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PART VIII.

MISCELLANEOUS.

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

(2)

Main Roads.

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

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

(4) The board may take over from the Minister for Public Works at a valuation, and such Minister shall on reasonable notice transfer to the board any or all such lorries, road rollers, traction engines and other road-making and testing machinery, plant, and appliances as are held by such Minister at the date of the commencement of this Act and in the opinion of the board are deemed necessary for use in connection with work on main roads, and which have been used by such Minister exclusively for such work. The board shall pay to the Treasurer, for value of such plant and appliances so taken over, such sum as may be agreed between the board and the Minister for Public Works, or in default of agreement, as may be decided by the Treasurer.

44. (1) Whenever the board proposes—

- 25 (a) to recommend the proclamation of a road as a main road, or the cancellation of the proclamation of a main road, or to refuse an application from a council for such a proclamation; or
- 30 (b) to demand under Part V of this Act any contribution over one hundred pounds from a council; or
- (c) to carry out itself any work in respect of which the council will probably be required under Part V of the Act to contribute a sum greater than one hundred pounds,

Council's
right to be
heard.
cf. Vic. C.R.
Act, 1915,
s. 28 (4).

See s. 32 ante.

35 the board shall before finally deciding the matter give reasonable notice of its intention to the council concerned.

(2) Such council may within a reasonable period to be fixed in such notice notify the board that it desires to be heard and to call evidence in respect of the matter, and the board shall hear the council accordingly.

(3)

Main Roads.

(3) The board shall serve notice on the council of its decision.

(4) Any council affected may within one month from the service of notice of any such decision serve a notice, in writing, on the board, signifying its intention to appeal therefrom to the Minister. Such notice shall state concisely the grounds of the appeal. The board shall serve a copy of such notice on the councils affected.

Right of
appeal to
Minister

(5) The Minister shall hear and determine the appeal and may allow the other councils affected to be heard: and the board and all councils affected shall give effect to his decision.

(6) This section shall not operate to prevent the Governor from acting under section thirty-one hereof in case of emergency.

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

Duty of
councils to
supply infor-
mation.

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

cf. *Ibid.* s. 16.

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

Enforcement
of Act—
Penalty.

47. Any moneys due by a council (including the Botany Road Trust) or by a statutory body or by any person under this Act may be recovered by the board as a debt.

Recovery of
debts.

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

Various
powers of
board.

(1) carry out all such surveys and investigations as may be necessary or expedient to ascertain—

cf. Vic. C.R.
Act, 1915,
s. 15.

(a) what roads shall be main roads;

(b) the nature and extent of the resources of New South Wales in materials suitable for the purposes of road making and maintenance, and the most effective and

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Main Roads.

- and economical methods for dealing with them, and for supplying or utilising them on main roads ;
- 5 (c) the most effective methods of road construction and maintenance for main roads ;
- (d) the methods of road administration, finance, construction, maintenance, and control of other countries ; and
- 10 (e) what deviations (if any) in existing main roads or what new main roads should in its opinion be made so as to facilitate communication and improve the conditions of traffic ;
- 15 (2) publish for general information the results of such surveys and investigations ;
- (3) co-operate with and assist councils in or carry out works which though not upon main roads are directly or indirectly for the benefit of
- 20 main roads ;
- (4) pay from the appropriate fund, or pay from Expenses of this section. and apportion between the funds, any expenses incurred by the board for the purposes of the foregoing paragraphs of this section ; and
- 25 (5) pay from the appropriate fund or pay from Payment of various expenses. cf. Qsld. M.R. Act, 1920, s. 23(b). and apportion between the funds any sum due under an agreement lawfully made for the purposes of this Act, or any sum recovered against the board by process of law, or which
- 30 the board has agreed to pay to any person in settlement of any claim brought against it for compensation or damages for or in respect of any act of the board in pursuance of its powers under this Act, or any sum which by any order made or purporting to be made by any competent authority the board is directed to pay by way of compensation, damages, costs, fines, penalties, or otherwise.
- 35
49. (1) The Governor may on the application of the Various powers.
40 board resume land under the Public Works Act, 1912, for the purposes of this Act, and may vest the whole or part

Main Roads.

part of such land in the board or proclaim the whole or part to be a public road or public reserve, and place it under the control of the council, as the board may recommend.

- 5 (2) The board may lease, cause to be resumed, or purchase land, provide buildings, appliances, quarries, gravel pits, and works for the manufacture, storage, and treatment of materials and appliances for the purposes of this Act, and may sell materials and appliances
10 which may be produced in excess of the board's requirements or which the board may deem it advisable to sell.

50. The board may enter into contracts and do all other acts which may be necessary or advisable for the purposes of this Act. Contracts, and other acts.

- 15 51. (1) Upon the recommendation of the board Ordinances. ordinances may be made under the Local Government Act, 1919, but subject to the Metropolitan Traffic Act, 1900, for carrying this Act into effect, and in particular for and with respect to—

- 20 (a) the preservation of trees and vegetation on main roads ;
(b) the prevention of damage to main roads ;
(c) the prevention of the doing of things likely to injure main roads ;
25 (d) the regulation of the weight of vehicles using main roads and the loads on such vehicles ;
(e) the regulation of the use of vehicles likely to injure main roads ;
(f) the weighing of vehicles and loads, the estimation of weight according to a prescribed scale for various classes of goods, the requiring of vehicles and loads to be taken to a public weighbridge for weighing ; and the marking of weight on the vehicles ; and
30 (g) the restriction of traffic or of any specified class of traffic to protect main roads from injury ;
35 (h) authorising councils to grant permission for the erection on main roads in return for advertising concessions of highway light-houses or beacons.

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

5 (3) Section three of the Motor Traffic Act, 1909, is amended by adding to paragraph (b) thereof the following:—"and the weights of the loads which may be carried upon different kinds of motor vehicles; and regulate the carrying on motor vehicles of long,
10 large, heavy, or projecting articles."

52. (1) The Minister may certify to the board the amounts and particulars of assistance granted or promised by him before the passing of this Act to various councils in respect of main and developmental
15 roads from funds to be provided for the financial year commenced on the first day of July, one thousand nine hundred and twenty-four, and may require the board to provide such assistance in accordance with such grant or promise from the appropriate fund under this Act.

20 (2) The Treasurer may deduct from any moneys payable to the appropriate Main Roads Fund any sums expended from Revenue Votes with the approval of the Minister after the first day of July, one thousand nine hundred and twenty-four, and before the commencement
25 of this Act, in granting assistance to councils for work on main roads.

53. (1) Upon the completion of the construction of Botany-road, Botany-road, the Botany Road Trust shall report the fact to the board.

30 (2) The board shall thereupon arrange to take over the indebtedness of the Botany Road Trust in respect of the construction of the road, and may issue further debentures, bonds, or other securities in relation thereto.

35 (3) When such arrangements are complete the board may recommend the Governor to issue a proclamation repealing paragraph (e) of subsection five of section thirteen and section seventeen of this Act, and suspending the operation of the Botany Road Trust
40 Constitution Act, 1922.

(4)

Main Roads.

(4) The Governor may issue such proclamation accordingly and thereupon such proclamation shall have the force of law.

(5) Upon the suspension of the Botany Road Trust Constitution Act, 1922, the members of the Trust then in office shall cease to hold office; and the operation of the provisions of the Act shall be suspended pending further legislation.

[2s. 3d.]

Sydney: Alfred James Kent, Government Printer—1924.

Article 122

(4) The Governor may issue such proclamation according to and throughout such proclamation shall have the force of law.

(5) Upon the expiration of the term of office of the Governor, the members of the State Constitutional Convention shall be elected; and the convention shall in effect be a new body; and the convention of the members of the Assembly shall be organized for the purpose of further legislation.