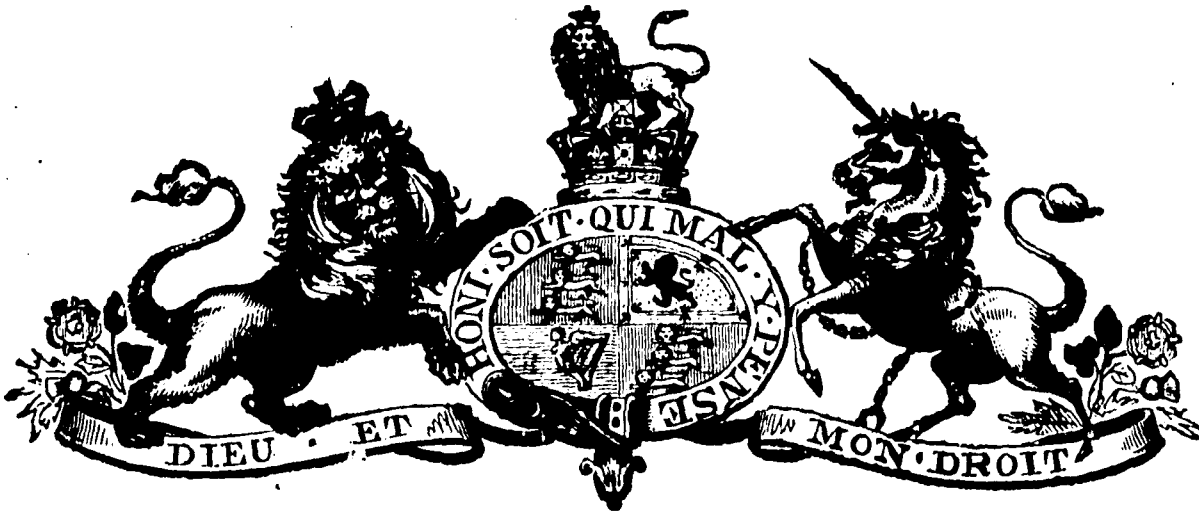


VICTORIA.



ANNO TERTIO

GEORGII QUINTI REGIS.

No. 2415.

An Act relating to Country Roads.

[23rd December, 1912.]

BE it enacted by the King's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say):—

1. This Act may be cited as the *Country Roads Act 1912* and shall come into operation on the first day of January One thousand nine hundred and thirteen. Short title and commencement.

2. The Acts mentioned in the First Schedule to this Act to the extent to which the same are thereby expressed to be repealed are hereby repealed. Repeal. No. 1134.

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

“The Board” shall mean the Country Roads Board.

“Clerk of a municipality” shall mean the town clerk of a borough or town or the secretary of a shire or the city clerk of a city.

“Land” includes any estate or interest in land (legal or equitable) and any easement right power or privilege over in or in connexion with land.

“Main

"Main road" shall mean any road declared to be a main road under the provisions of this Act or any part of such road.

"Maintenance" shall include all works of every description which are in the opinion of the Board calculated to keep the carriage way of any main road and any drain draining such carriage way in the same state of utility as it was in at the time it was declared to be a main road or in the same state of utility as it was in as the result of any permanent improvements which have been effected to it under the provisions of this Act.

"Minister" shall mean the Minister of Public Works.

"Municipal district" shall mean the district under the local government of a municipality.

"Municipality" shall mean the corporation of any city town borough or shire.

"Permanent improvement" shall include all works of every description exclusive of maintenance which are in the opinion of the Board calculated to increase the utility of the carriage way of a main road and shall include drains for draining such carriage way.

"Permanent works" shall include new main roads deviations from existing main roads and permanent improvements to main roads.

"Road" shall include bridge culvert ferry ford.

"Treasurer" shall mean the Treasurer of Victoria.

"Year" shall mean the twelve months ending on the last day of June.

PART I.—APPOINTMENT AND CONSTITUTION OF COUNTRY ROADS BOARD.

Power of Governor in Council to appoint Board.

4. (1) For the purposes of this Act there shall be constituted a Board to be called the Country Roads Board consisting of three members who shall be appointed by the Governor in Council.

Chairman.

(2) The Governor in Council may appoint one of such members to be the Chairman of the Board.

Removal and appointment to fill vacancies.

(3) The Governor in Council may at any time remove any member of the Board and may from time to time as any vacancy occurs in the office of Chairman or other member of the Board appoint some person to fill the vacancy.

Appointment of acting members.

(4) The Governor in Council may at any time appoint for a period not exceeding six months any person to act in place of any member of the Board who is absent from Victoria or incapacitated by illness or other temporary cause from discharging his duties as such member. Such acting member shall discharge the duties of the member who is so absent or incapacitated until the return to Victoria or removal of the incapacity of such member or the expiry of the period of appointment of such acting member whichever first happens. (5) Each

(5) Each member of the Board shall unless removed as provided in this Act be entitled to hold office for the term for which he is appointed but such term shall not exceed five years. Any member of the Board may from time to time be re-appointed for any further term not exceeding five years.

Terms of office and eligibility for re-appointment.

(6) A member of the Board shall not during his continuance in the office of member engage in any employment other than in connexion with the duties of such office without the consent in writing of the Governor in Council and shall not in any circumstances engage in any profession trade or calling outside the service of the State.

Members not to engage in other employment.

(7) The members of the Board shall not as such be subject to the provisions of the Public Service Acts.

Members not to be subject to Public Service Acts.

5. The members of the Board shall be a body corporate by the style and title of the Country Roads Board and shall have perpetual succession and a common seal and be capable in law of suing and being sued and of purchasing taking holding selling leasing exchanging or disposing of real and personal property for the purposes of and subject to the provisions of this Act.

Board to be body corporate.

6. The Chairman shall be paid an annual salary at a rate not exceeding Eight hundred pounds ; and each of the other members of the Board an annual salary at a rate not exceeding Six hundred pounds ; and the amount of each of the said salaries shall be determined by the Governor in Council before the appointment is made.

Salaries.

7. (1) If any member of the Board—

(a) is wilfully absent from his duty for a period of fourteen consecutive days except with leave granted by the Minister; or

(b) becomes incapable of performing his duties ; or

(c) resigns his office by writing under his hand addressed to the Governor in Council,

Effect of absence without leave or resignation or incapacity of members.

he shall (save as otherwise expressly provided in this Act) thereby vacate his office as a member of the Board.

(2) The Minister is hereby authorized to grant any leave of absence for the purpose of this section.

8. No person being an uncertificated insolvent shall be capable of being appointed a member of the Board and any member who becomes insolvent or applies to take the benefit of any Act for the relief of insolvent debtors or who by any deed or other writing compounds with his creditors or makes an assignment of his salary for their benefit shall be deemed to have vacated his office as a member of the Board.

Persons insolvent not to be or to continue to be members of the Board.

9. Any member of the Board who is in anywise concerned or interested whether directly or indirectly in any bargain or contract made by or on behalf of the Board or any municipality acting in pursuance of any arrangement made with the Board or who in anywise participates

Members not to be personally interested in contracts.

A 2

participates or claims to be entitled to participate in the profit thereof or in any benefit or emolument arising from the same shall thereby vacate his office as a member of the Board and shall also be guilty of a misdemeanour and on conviction thereof shall be liable in the discretion of the court to a penalty not exceeding Five hundred pounds or to imprisonment for any term not exceeding three years or to both such punishments.

Provided that no member of the Board shall be liable to vacate his office or be liable to any penalty or imprisonment as aforesaid by reason only of—

- (a) being beneficially interested in any newspaper in which the Board or any municipality inserts advertisements ; or
- (b) being a shareholder or member of any incorporated company in which he does not hold more than one-twentieth of the shares issued which has entered into any contract with or done any work under the authority of the Board or any municipality.

Meetings of the Board.

Meetings.

10. (1) The members of the Board shall hold their first meeting at such time and place as the Governor in Council by notice in the *Government Gazette* appoints.

(2) Thereafter the Board shall meet at such times and places as the Board from time to time appoints.

Exercise of powers
and duties of
Board.

11. Save as otherwise expressly provided in this Act the powers duties and authorities of the Board may at any meeting be exercised by a quorum thereof consisting of not less than two members thereof, and during a vacancy in the Board not exceeding three months the continuing members may (subject to there being a quorum) act as if there were no vacancy.

Chairman of
meetings of Board.

12. (1) At any meeting of the Board the Chairman if present shall preside, and in his absence the member of the Board who is the senior with respect to appointment shall be Chairman of and preside at the meeting.

(2) The Chairman presiding at any meeting shall in the event of an equal division of votes at the meeting have a second or casting vote.

Minutes.

Minutes.

13. The Board shall cause correct minutes of all its meetings to be kept and a copy of all decisions of the Board to be submitted to the Minister within fourteen days after each meeting.

Officers

Officers and Employés.

14. For the purposes 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 may make use of the services of any of the officers and employés of the Public Service and the Governor in Council may appoint any persons to be officers or employés of the Board.

Employment and appointment of officers and employés.

PART II.—POWERS OF THE BOARD.

15. The Board so far as any moneys legally available for the purpose permit shall—

Board to make surveys &c. and purchase road-making machinery.

(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 Victoria in metals minerals and materials suitable for the purposes of road-making and maintenance and the most effective and economical methods for dealing with the same and for supplying or utilizing the same for the said purposes in the whole or any part of Victoria ;
- (c) the most effective methods of road construction and maintenance in the whole or any part of Victoria ;
- (d) what deviations (if any) in existing roads or what new roads should in its opinion be made so as to facilitate communication and improve the conditions of traffic ;
- (e) record publish and make available for general information the results of all such surveys and investigations.

(2) Purchase all land machinery tools implements and materials that may be needed for the purposes of this Act provided that no contract involving an expenditure by the Board of an amount exceeding One thousand pounds shall be entered into by the Board without the written consent of the Minister being first obtained.

16. The Board may call on the council of any municipality for any information it may require for carrying out the provisions of this Act and it shall be the duty of such council to supply such information when called upon for the same. Such information shall be supplied within one month from the receipt of the request.

Duty of municipality to supply Board with information.

17. (1) The Board shall as soon as practicable after the commencement of this Act cause to be prepared a map in one or more parts of the whole of Victoria on such scale as it thinks fit showing the municipal

Board to prepare map of roads &c.

municipal districts and all the principal highways and such other matters as the Board shall think fit; and may from time to time withdraw such map and substitute another in its place or make such alterations therein as it thinks fit.

(2) The said map or any map substituted therefor (hereinafter called the map) shall be kept at the offices of the Board and a copy thereof sealed with the seal of the Board shall be sent to the council of every municipality.

(3) Whenever under the provisions of this Act a highway is made a main road or any new main road or any deviation from an existing main road is made the same shall be distinctly marked upon the map and the Board shall forward to the council of each municipality sufficient information to enable the same to be marked on the copy of the map in the custody of the said council and it shall be the duty of the said council within seven days of the receipt thereof to cause the same to be distinctly marked on such copy.

(4) The map or a copy thereof shall be open for inspection without charge during office hours at the office of the Board and at the office of each municipality.

Map to be evidence.

(5) The map or the copy in the custody of the council of any municipality shall except in so far as it is inconsistent with any Order or resolution hereinafter mentioned published in the *Government Gazette* be evidence that any road appearing thereon to be a main road is a main road.

Board to declare what roads are main roads.

18 (1) The Board shall from time to time by resolution declare any highway of the State which is in the opinion of the Board of sufficient importance to be a main road and may also rescind such resolution as regards any main road or portion of main road already proclaimed which the Board may consider is owing to the diversion or cessation of traffic no longer of sufficient importance to be considered a main road. Such resolutions shall describe the course of and distinctly specify the points of commencement and termination of such road.

Confirmation by Governor in Council.

(2) The Governor in Council may by Order published in the *Government Gazette* confirm such resolution and thereupon any road mentioned in such resolution shall be a main road or cease to be a main road within the meaning of this Act.

Evidence that road is a main road.

(3) The Order shall set forth the terms of the resolution. A copy of the *Government Gazette* containing such Order shall be evidence that the road therein described is a main road or ceases to be a main road.

Councils to be consulted before declaration of main roads or making of deviations &c.

(4) The Board before declaring any highway to be a main road and before submitting to the Governor in Council for his approval maps plans and estimates of any proposed new main road or deviation from an existing main road shall serve on the council of each municipality in whose municipal district such highway is or new main road or deviation is proposed to be made notice of its intention to declare such highway to be a main road or to make the new main road or deviation described in such maps plans and estimates.

Such

Such notice shall fix a day not less than twenty-one days from the service of the notice upon which any objections which may be made by any council will be considered.

Provided that any municipality which feels aggrieved by any such resolution may within twenty-one days after the consideration of such objection appeal to the Minister who may vary or disallow such resolution

New Roads and Deviations.

19. If it appear to the Board desirable that a new main road or a deviation from any existing main road should be made the Board may cause to be prepared maps plans and estimates showing—

Board to prepare maps &c. of proposed new main roads and deviations.

- (a) the points between which and on and through what lands the same is proposed to be made;
- (b) the cost of acquiring the land and of constructing the road or deviation.

20. (1) The Governor in Council upon being satisfied there are funds legally available for acquiring the land and constructing the road or deviation may by Order published in the *Government Gazette* approve of the same being made.

Approval of Governor in Council to new roads &c.

(2) Upon the publication of such Order as aforesaid and not before the Board shall be authorized to forthwith take and use all such land as is described in and by the said maps plans and estimates as being required for the said road or deviation.

After approval work may be executed. See Act No. 1893 s. 463.

(3) The Board shall make to the owners occupiers and all persons interested in any lands taken or used for the purposes of such road or deviation or injuriously affected by the making thereof full compensation for the value of the lands so taken or used and for all damage sustained by such owners occupiers and other persons by reason of the exercise of the powers vested in the Board by this Act.

(4) The amount of such compensation shall be ascertained and determined in manner hereafter in this Act provided.

21. (1) When the Board has taken the land necessary for constructing the road or deviation it shall as soon as it thinks such road or deviation is fit to be used as a public highway by resolution declare the road or deviation to be a main road or part thereof; such resolution shall describe the course of and distinctly specify the points of commencement and termination of such road or deviation.

Declaration that new road or deviation is a main road.

(2) The Governor in Council may by Order published in the *Government Gazette* confirm such resolution and thereupon the road or deviation shall be a main road or a part thereof within the meaning of this Act. The Order shall set forth the terms of the resolution. A copy of the *Government Gazette* containing such Order shall be evidence that the road or deviation therein mentioned is a main road or part thereof.

Evidence thereof.

(3) Such land shall thereupon and thenceforth from the date of such publication become and be absolutely dedicated to the public as a public highway within the meaning of any law now or hereafter in force.

Permanent

Permanent Improvements.

Board to prepare
plans &c. of
permanent
improvements.

22. The Board may from time to time cause to be prepared estimates of the cost of permanent improvements to any main road or portion of a main road, and the Governor in Council upon being satisfied that there are funds legally available for carrying out such works may approve of the same and such works shall be carried out as hereinafter provided.

Construction of Permanent Works.

Carrying out of
permanent works.

23. (1) The council of each municipality shall carry out all permanent works to be made within its municipal district provided that the Governor in Council may by Order direct that any permanent works specified in such Order shall be carried out by the Board.

(2) Any permanent works carried out by any council shall be carried out to the satisfaction of the Board.

Maintenance.

Maintenance of
main roads.

24. (1) The council of each municipality shall maintain the main roads within its municipal district provided that the Governor in Council may by Order direct the Board to maintain any main road specified in such Order.

(2) The Board shall each year notify to the council of each municipality in whose municipal district a main road is the amount such council may expend on the maintenance of each of the main roads within its district.

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

PART III.

FINANCIAL.

Cost of permanent
works to be paid
in first instance by
Treasury.

25. The total cost of making permanent works and of the maintenance of main roads shall in the first instance be paid by the Treasurer upon warrant of the Board.

Progress payments.

26. The Board may by warrant authorize the Treasurer to make partial payments to any contractor or to the council of any municipality carrying out any permanent work or maintenance under the provisions of this Act as the same progresses. The progress estimates shall be based upon materials in place and labour expended thereon; but shall not authorize the payment of more than eighty-five per cent. of the contract price of any work in advance of the full completion.

27. The

27. The Board shall before the first day of January in each year apportion half the amount expended on permanent works and maintenance during the preceding year between the various municipalities benefited thereby. The Board shall make such apportionment in the following manner, viz. :—

Apportionment of the amount expended on permanent works and maintenance.

The Board shall determine—

- (a) the permanent works and maintenance from which each of the municipalities respectively has benefited;
- (b) in the case of each municipality which has benefited from permanent works and maintenance the proportion of the total amount expended on the permanent works and maintenance from which it has benefited to be allocated to such municipality having regard to the benefits it has obtained therefrom ;
- (c) the contribution such municipality shall pay in respect of the proportion so allocated.

The contributions from the municipalities need not be at a uniform rate but may be varied in the case of each municipality according to its ability to pay, provided no municipality shall pay more than two-thirds of the proportion allocated to it.

Provided that the total amount of the contributions from the municipalities shall equal half the amount expended on permanent works and maintenance during the preceding year.

A municipality may be benefited by expenditure on permanent works and maintenance within the meaning of this section although such permanent works and the main roads maintained are not situated within its municipal district if substantial traffic to or from the municipal district of such municipality passes over or in the case of new main roads will in the opinion of the Board pass over a main road on which such expenditure has been made.

28. (1) Before making such apportionment the Board shall serve a notice upon the council of each municipality proposed to be charged with a portion of such expenditure setting forth—

Procedure to be followed in apportioning amount expended on permanent works and maintenance.

- (a) the amount which is to be apportioned between the municipalities ;
- (b) the permanent works and maintenance each separately stated from which each of the said municipalities respectively is deemed to have benefited and the amount expended thereon ;
- (c) the proportion of the amount expended on the said permanent works and maintenance each separately stated which it is proposed to allocate to each of the municipalities benefited thereby ;

(d) the

- (d) the contribution it is proposed that each of the said municipalities respectively shall pay in respect of the proportion allocated to it ;
- (e) in cases where the contributions are not proposed to be charged at a uniform rate the reasons for the variation.

(2) Such notice shall be served not later than the first day of October and shall fix a day not less than two months from the day of the service of the said notice upon which objections to the proposed apportionment will be heard. Notice of objections shall be served on the Board and on the councils of the other municipalities named in the first-mentioned notice and on the council of any municipality not therein named which the objector claims should be chargeable with a portion of the expenditure not less than one month before such day.

(3) All municipalities proposed to be charged with a portion of the expenditure by the Board or any objector may be represented at the hearing of any such objections. The decision of the Board as to the amount each of the said municipalities shall pay in respect of permanent works and of maintenance shall subject to the appeal hereinafter provided be final and conclusive. Such amount shall be due by it to the Treasurer from the first day of January following

(4) The council of any municipality may within fourteen days from the pronouncement of such decision serve a notice in writing on the other municipalities proposed to be charged and on the Board signifying its intention of appealing therefrom to the Minister. Such notice shall state concisely the grounds of the appeal.

(5) The amount decided by the Minister to be payable by any municipality in respect of permanent works and of maintenance shall be due by it to the Treasurer from the first day of January following the decision of the Minister.

29. (1) For the purpose of making permanent works the Governor in Council—

(a) may from time to time during five years from the coming into operation of this Act increase the amount of stock known as the Victorian Government stock erected under the authority of the *Victorian Government Stock Act 1896* by an additional amount not exceeding in the whole in any one financial year the sum of Four hundred thousand pounds sterling; or

(b) may issue debentures for the whole or any portion of such sum in lieu of increasing stock as aforesaid,

all of which stock and debentures and interest thereon respectively at such rate or rates as the Governor in Council may fix shall be chargeable upon the Consolidated Revenue of Victoria.

(2) The

Power to raise moneys for the making of permanent works.
See No. 1749 s. 372.
Application of Victorian Government Stock Act No. 1468.
See No. 1749 s. 373.

(2) The proceeds of the sale of the said stock or of such debentures shall subject to the provisions hereinafter contained be issued and applied only for and towards the several purposes specified in this Act.

(3) Where the sum so raised in any financial year is less than the said sum of Four hundred thousand pounds then to the same extent the sums raised in any subsequent financial year may exceed Four hundred thousand pounds.

30. All the provisions of the *Victorian Government Stock Act 1896* with regard to the inscription issue management redemption payment of interest on and transfer of stock issued under the authority of the said Act, and generally with regard to such stock, shall so far as the same are not inconsistent with this Act apply to the stock issued under the authority and for the purposes of this Act.

Application of
Victorian Govern-
ment Stock Act
No. 1468.
See No. 1749 s. 373.

31. (1) For the purposes of this Act the Governor in Council may at any time cause debentures to be made out by the Treasurer of Victoria in the manner and subject to the provisions hereinafter specified and contained.

Issue of
debentures.

(2) All debentures and the coupons relating thereto shall be made out in the Treasury in such method and form as the Governor in Council may direct and may contain one common sum or different sums as the principal moneys.

Form of
debentures.

(3) All debentures shall be signed by the Treasurer of Victoria or by some other person in that behalf appointed by the Governor in Council who shall sign on behalf of the said Treasurer; and such debentures shall be registered in the office of the Auditor-General and shall be numbered consecutively beginning with number one and progressing arithmetically by units.

How to be signed
registered and
numbered.

(4) The principal sum of each debenture shall if not previously paid be paid at such place as may be specified in any such debenture at any time after twenty years from the date of the debenture upon six months' previous notice being given in the *Government Gazette*, but all debentures issued under this Act shall be paid on a date not later than thirty-five years from the date of issue thereof.

Maturity in
debentures.

(5) Any debenture may with the consent of the holder thereof be paid off at the par face value thereof with interest thereon to date of payment at any time previous to the due date thereof.

Payment with
consent.

(6) Every debenture shall be payable to the bearer thereof and shall pass by delivery only and without any assignment or indorsement and the bearer of every debenture shall have the same rights and remedies as if he were expressly named therein.

Payable to bearer.

(7) Every

Date of debentures and payment of interest.

(7) Every debenture shall bear date on such day as the Governor in Council may direct and shall bear interest payable at such times and at such places as may be specified in such debentures.

Sale of debentures.

(8) The Treasurer of Victoria may under such regulations at such times and places in such sums on such conditions at such prices and in such manner as the Governor in Council may direct offer or cause to be offered for sale all or any debentures.

Defaced debentures may be exchanged.

(9) Where any debenture is defaced by accident the said Treasurer may cancel the same and cause a new debenture to be made in the Treasury in lieu thereof and such cancelled debenture shall be filed in the Treasury; and such new debenture shall have the like currency and be in all respects subject to the same rules methods and continuance and bear the same number date and principal sum and rate of interest as such cancelled debenture.

Provisions for debentures lost &c.

(10) Upon proof being made before a Judge of the Supreme Court by affidavit of any credible person that any debenture held by him the number and sum whereof shall be specified by him has been lost or accidentally burnt or otherwise destroyed before the same shall have been paid off, and upon such Judge certifying that he is satisfied with such proof, the Treasurer may cause a new debenture to be made in the Treasury bearing the same number date principal sum and rate of interest as the debenture so lost or destroyed and to be delivered to such person upon his giving sufficient security to the Treasurer to indemnify the Treasury against any double payment if the missing debenture at any time thereafter be presented for payment.

Cancelling of discharged debentures.

(11) All debentures which are paid off and discharged and all defaced debentures filed as aforesaid shall be cancelled and after being so cancelled shall be transmitted by the Treasurer to the Auditor-General who after having audited and allowed the accounts thereof shall cause all such debentures to be burnt or otherwise destroyed.

Counterfeiting debentures to be forgery.

(12) Every person who forges fabricates or counterfeits wholly or in part any paper writing or instrument purporting to be a debenture or a coupon, or who forges counterfeits alters adds to or obliterates or wilfully mutilates or defaces any word letter or figure in or upon any such debenture or coupon, or who without proper authority fills up with any word letter or figure any blank space in or upon any such debenture or coupon, whether issued or not and whether wholly or partly made under this Act, or who utters passes or negotiates or attempts to utter pass or negotiate any such forged fabricated counterfeited altered added to obliterated wilfully mutilated or defaced or filled up debenture or coupon as aforesaid knowing the same to be so shall be guilty of felony and shall be liable to the extreme punishment applicable by law to the crime of forgery.

32. The

32. The money received from the issue of stock or debentures under the authority of this Act shall be paid into the Public Account and shall be placed to the credit of an account to be kept in the Treasury for such purpose to be called "The Country Roads Board Loan Account." The said account shall be debited with all payments made by the Treasurer towards the cost of permanent works.

Money to be placed to credit of Country Roads Board Loan Account.

33. A sum equal to one per centum per annum on half the amount borrowed under the provisions of this Act shall be paid out of the Consolidated Revenue which is hereby appropriated for the purpose into the Victorian Loan Redemption Fund, and such a sum shall be so paid and placed annually until half the amount so borrowed is paid off or redeemed.

Sinking fund.

34. Every municipality shall before the first day of July in each year pay to the Treasurer Six pounds per centum on the amount due by it in respect of permanent works.

Annual payment by municipalities of percentage of amount due in respect of permanent works.

35. Every municipality shall before the first day of July in each year pay to the Treasurer the amount due by it in respect of the maintenance of main roads.

Payment by municipalities of amount due in respect of maintenance.

36. (1) The amount payable under the last two preceding sections shall be paid out of the municipal fund and the municipality may levy in such ward or wards or such riding or ridings of the municipal district as it thinks fit a special rate upon the rateable property as defined in section two hundred and forty-nine of the *Local Government Act* 1903 sufficient to meet such amount: Provided such amount shall not in any year exceed a sum equal to the amount produced by a rate of Sixpence in the pound on the net annual value of the rateable property within the municipal district as estimated under the provisions of the *Local Government Act* 1903.

Special rate to be levied to meet cost of permanent works and maintenance.

(2) Such rate shall be levied upon every person who occupies or if there is no person occupier or if the occupier is the Crown or the Minister of Public Instruction or any of the persons or corporations mentioned in sub-section three of section two hundred and forty-nine of the *Local Government Act* 1903 then upon every owner of rateable property whatsoever within the municipal district.

Act No. 1893 s. 265.

(3) Such rate shall until paid be a charge upon the land.

(4) Owner in this section shall mean the person for the time being entitled to receive or who if the same were let to a tenant at a rack rent would be entitled to receive the rack rent thereof.

Definition of owner.
Ib. s. 3.

(5) The provisions of Parts X. XI. XII. XIII. and XXXVIII. of the *Local Government Act* 1903 and any amendments thereof shall so far as applicable apply to such special rate.

Recovery of rate.

37. If

On default of municipality rate may be levied by the Board.

37. If before the first day of July in each year a municipality has not paid to the Treasurer the amount specified in the last preceding section then the Board may itself levy a rate as therein provided sufficient to meet the amount therein specified together with interest thereon at the rate of Six pounds per centum per annum from the first day of January and the cost of making and recovering such rate.

No. 1893.

The provisions of Parts X. XI. XII. XIII. and XXXVIII. of the *Local Government Act 1903* and any amendments thereof shall so far as applicable apply to such rate. For the purpose of this section in the construction of the said Parts the words "council" "council of any municipality" "municipality" and like expressions shall mean the Board.

Country Roads Board Fund.

38. An account shall be kept in the Treasury called "The Country Roads Board Fund." To the credit of this account shall be placed—

- (a) All moneys paid to the Treasurer by any municipality in respect of permanent works and of the maintenance of main roads.
- (b) All moneys received by the Board under the provisions of this Act.
- (c) All moneys appropriated by Parliament for the maintenance of main roads and for the purposes of this Act.
- (d) All fees and fines less the cost of collection paid under the *Motor Car Act 1909* and all moneys standing to the credit of the Municipal Fees and Fines Trust Fund at the commencement of this Act.
- (e) All fees less the cost of collection received by the Crown after the thirtieth day of June One thousand nine hundred and twelve under the *Unused Roads and Water Frontages Act 1903*.
- (f) All fees paid on the registration or renewal of the registration of traction engines.

No. 2337.

No. 1894.

Country Roads Board Fund, how applied.

39. The money to the credit of the Country Roads Board Fund shall be applied as follows:—

- (a) Six pounds per centum per annum on the amount due by the municipalities in respect of permanent works shall be applied—
 - (1) in payment of interest on half the amount borrowed under the provisions of this Act at the rate of Four pounds ten shillings per centum per annum, and
 - (2) the balance shall be paid into a sinking fund and be kept at the Treasury called the Main Roads Sinking Fund until half the amount borrowed under the provisions of this Act is paid off.

(b) The

(b) The balance after payment of the said Six pounds per centum shall be applied—

(1) in payment of the cost of the maintenance of main roads ;

(2) in payment of any liabilities incurred by the Board or the Treasurer under the provisions of this Act.

40. For sub-section (3) of section four of the *Motor Car Act* 1909 the following sub-section shall be substituted namely:—

Fees to be paid on registration of motor cars.

“(3) A fee at the rate set out in the Second Schedule to the *Country Roads Act* 1912 shall be paid to the Chief Commissioner on the registration of or the renewal of the registration of a motor car or motor cycle. No registration shall have any force or effect after the expiration of twelve months from the date of such registration or renewal.

Second Schedule.

The unit of horse-power for the purpose of any rate in the said Schedule shall be calculated in accordance with regulations made by the Governor in Council for the purpose.”

41. Every traction engine within the meaning of the *Local Government Act* 1903 other than traction engines which are used exclusively for stationary work notwithstanding that they may have the power of locomotion shall be registered by the Chief Commissioner of Police who shall keep a register and shall assign a separate identifying number to every traction engine so registered and shall enter in the register every such number.

Registrations of traction engines.

The identifying number shall be fixed and kept fixed in a conspicuous place on such traction engine.

A fee at the rate set out in the Second Schedule to this Act shall be paid to the Chief Commissioner of Police on the registration of or the renewal of the registration of a traction engine. No registration shall have any force or effect after the expiration of twelve months from the date of such registration or renewal.

Second Schedule.

42. All moneys collected and received under the provisions of this Act shall be collected and received for or on account of the Consolidated Revenue and the provisions of any Act for the collection and payment of the public moneys and the audit of the public accounts shall apply to all such moneys.

Public Account.
See Act No. 1145
s. 114.

43. (1) The

Miscellaneous.

Main roads to be vested in the Crown.

Materials of main roads to belong to the Board.

See Act No. 1893 s. 500.

43. (1) The absolute property in the land over which a main road is declared and confirmed shall be vested in the Crown.

(2) (a) The materials of all main roads and all matters and things appurtenant thereto ;

(b) All buildings fences gates posts boards stones and erections placed upon a main road ;

(c) The scrapings of all main roads and the sand on main roads, shall belong to the Board.

Interference with main roads.

44. No main road shall be dug up or used for any purpose which may injure obstruct or injuriously affect such road without the written permit of the Board. Any permit may be made subject to such terms and conditions as the Board shall think fit.

Power to stop all or certain kinds of traffic on roads for making improving &c. and for further time thereafter.

See ib. s. 492.

45. For such time as may be necessary for the purpose of raising or lowering the ground or soil of any main road or of making improving maintaining altering or increasing the width of any main road and for such further time after the completion of any of such works as may be necessary to prevent injury thereto the Board may close such road and stop all traffic thereon or may without closing the same stop certain kinds of traffic thereon.

Temporary road during repairs &c. See ib. s. 493.

46. The Board may through any grounds adjoining any ruinous part of any main road which the Board is making or repairing not being the site or curtilage of any house or a garden lawn yard court park plantation planted walk avenue or nursery for trees make a temporary road to be made use of as a public highway whilst the old road is being made or repaired, making compensation to the owners and occupiers of such grounds for any damages which they may thereby sustain.

Power to Board to close roads unsafe for traffic. See ib. s. 494.

47. (1) Where it appears to the Board that any main road or any portion thereof is unsafe for public traffic the Board may cause the same to be closed for such time as it considers necessary, and may cause to be erected any fence erection or obstruction to stop all traffic thereon.

Power to Governor in Council to direct re-opening thereof.

(2) At any time after any such road or portion thereof has been so closed the Governor in Council may by Order published in the *Government Gazette* direct that the same be re-opened by the Board for public traffic, and thereupon it shall be the duty of the Board to re-open the same according to the tenor of such Order.

48. (1) Where

48. (1) Where it appears to the Board that extraordinary expenses have been incurred by the Board in repairing any main road by reason of the damage caused by any excessive weight passing along the same the Board may recover before a justice or in any court of competent jurisdiction from any person by whose order such weight has passed along such road the amount of such expenses as may be proved to the satisfaction of such justice or court to have been incurred by the Board by reason of the damage arising from such weight.

Recovery of expenses of repairing damage caused to roads by excessive loads.

See Act No. 1893 s. 495.

(2) But any person against whom expenses are or may be recoverable under this section may enter into an agreement with the Board for the payment to it of a composition in respect of such expenses; and thereupon such person so paying the same shall not be subject to any proceedings under this section.

Power of person against whom such expenses recoverable to enter into agreement with Board for payment thereof.

49. (1) The Board may if it think fit cause to be placed on or near to any bridge or culvert part of a main road a conspicuous notice that it is not capable of carrying a greater weight than that fixed by the Board and that it is not lawful for any person unless with the consent in writing of the Board or any officer thereof duly authorized in that behalf to drive draw or carry or to cause to be driven drawn or carried over such bridge or culvert any weight greater than that stated in such notice.

Fixing weight to be carried over any bridge or culvert.

Conspicuous notice to be put up.

Ib s. 496.

(2) Any person who without such consent drives draws or carries or causes to be driven drawn or carried over any such bridge or culvert a greater weight than that stated in any such notice shall be liable to a penalty not exceeding Twenty pounds and the Board may recover from him before a justice or in any court of competent jurisdiction damages for any injury caused by such excessive weight having passed over such bridge or culvert.

Penalty for carrying excessive weight over bridge or culvert.

(3) The weight so driven drawn or carried over any such bridge or culvert may be ascertained by any officer of the Board or by any member of the police force in the same manner as the weight of any vehicle or load is ascertained under Part XXII. of the *Local Government Act 1903* relating to the regulation of the weight of loads.

Ascertaining weight carried over bridge or culvert.

Procuring Materials &c. for Main Roads.

50. (1) The Board or any person authorized by it in writing may enter and search for dig raise gather take and carry away on and from any land not being the site or curtilage of any house or a garden lawn yard court park plantation planted walk avenue or nursery for trees and in and from any river creek or water-course and in and from any Crown lands specially set apart for the purpose by the Governor in Council any materials necessary for making or maintaining any matter or thing which the Board is by this Act authorized to make or maintain, but nevertheless so as not to damage any building street road
bridge

Right to procure materials for main roads

Ib. s. 501.

bridge or ford or to divert or interrupt the course of any river or creek, and so as not to search for dig raise gather or take any such materials within fifty yards of any bridge dam jetty or other structure.

Compensation.

(2) The Board shall make compensation to the owners and occupiers of any lands for any damages which they may sustain through the exercise of any of the powers conferred by this section.

Place from which materials are taken to be fenced &c.

See No. 1893 s. 502.

51. If the Board or such other person as aforesaid shall by reason of the exercise of the powers hereinbefore conferred make or cause to be made any pit or hole in any land river or creek, it shall forthwith cause the same to be sufficiently fenced off and such fence to be supported and repaired during such time as the pit or hole continues open and not sloped down or filled up as herein provided, and shall within three days after such pit or hole is opened or made where no materials suitable for making or repairing the road or bridge are found, cause the same to be filled up with the earth or soil taken therefrom and levelled, and shall where any such materials are found within fourteen days after having procured sufficient materials in such pit or hole cause the same to be filled up sloped down or fenced off and so continued.

Obstructions &c. to Main Roads.

Displacement &c. of materials of roads.

Ib. s. 503.

52. Every person who displaces takes up or makes any alteration in the soil pavement flags sods or other materials of any main road or any fence on such road or removes any scrapings thereof or sand thereon without the consent in writing of the Board or without other lawful authority shall be liable to a penalty not exceeding Five pounds and also a further penalty not exceeding Five shillings for every square foot of pavement flags sod or other materials of the street exceeding one square foot so displaced taken up or altered.

Obstructions &c. on across or in roads.

Ib. s. 508.

53. (1) Every person who makes or causes to be made any building hedge ditch fence hole heap drain or obstruction on across or in any main road shall for every such offence be liable to a penalty not exceeding Twenty pounds, and a further penalty not exceeding Five pounds for every day while the same is so continued.

(2) The Board may cause such building hedge ditch fence hole heap drain or obstruction to be taken down or filled up or otherwise made good at the expense of any person by whom the same has been made or to whom it belongs, and such expenses may in default of payment be recovered before any two justices.

Owner or occupier to keep hedges from overhanging or spreading over roads.

Ib. s. 509.

54. (1) The owner or occupier of any land separated from any main road by a hedge or live fence shall keep such road clear from all seedlings suckers and other off-sets from such hedge or live fence and shall not permit any branch thereof to overhang such road so as to be likely to cause inconvenience or annoyance to any person using such road.

(2) In

(2) In the event of seedlings suckers or off-sets from any such hedge or live fence growing upon or of any branch thereof overhanging such road the Board may cause a written notice to be served on the owner or occupier requiring him to remove the same within fourteen days, and in default the Board may cause the same to be removed, and the owner or occupier shall forthwith on demand pay to the Board the expenses of removing the same.

(3) The occupier shall be entitled to deduct such expenses or any cost necessarily incurred by him under this section from any rent then due or thereafter becoming due by him to the owner.

55. If the Board is of opinion that any main road is in any manner prejudiced or obstructed by any tree growing or being on land adjoining thereto it shall be lawful for any two justices on the application of the Board and after summons duly served on the owner and occupier or upon the occupier only if the owner cannot be found of the land on which such tree is to make an order for the removal of such tree or any part thereof by such owner or occupier as such justices may see fit.

Trees obstructing or
injuring roads.

See No. 1893
s. 510.

(2) In default of compliance with such order within eight days after a copy thereof has been served on such owner or occupier such owner or occupier as the case may be shall be liable to a penalty not exceeding Five pounds, and the Board may remove such tree or such part thereof so ordered to be removed doing no unnecessary damage.

(3) The occupier shall be entitled to deduct such expenses or any cost necessarily incurred by him under this section from any rent then due or thereafter becoming due by him to the owner.

Drains and Water-courses.

56. The Board or any person authorized by it may in or through or along any private lands or public highway make and open such ditches gutters tunnels drains or water-courses as the Board may think advisable for the purpose of draining making or improving any main road.

Power to make
water-courses &c.
lb. s. 557.

The Board may for the purpose of draining making or improving any main road cause the drainage from such road to be diverted into any ditch gutter tunnel drain or water-course on any public highway or private land.

The Board or any person authorized by it may scour cleanse and keep open all such ditches gutters tunnels drains or water-courses.

The Board or any person authorized by it may for the purposes aforesaid enter upon any private lands or public highway and the Board shall make compensation to the owners lessees and occupiers of such lands and to the municipalities in whose municipal districts such public highway is for any damage which they may sustain through the exercise of any of the powers conferred by this section.

57. Whenever

Board before
executing certain
works to have
plans &c. prepared.
See No. 1893 s. 558.

57. Whenever the Board deems it expedient to execute in or upon any main road any work which will concentrate or divert the drainage flowing thereon and after so concentrating or diverting it will discharge it or permit it to flow on into or through any private land or public highway it may if it think fit proceed as follows :—

(1) Cause to be prepared such specifications maps plans sections and elevations as may be necessary showing—

- (a) The site and admeasurement of all formations excavations embankments channels drains culverts and bridges proposed to be made or constructed in connexion with such work on any road or private lands or public highways.
- (b) All private lands and public highways likely to be affected by such concentration or diversion of the drainage.
- (c) The names of the owners lessees and occupiers of such private land so far as they can be ascertained by the Board and the municipalities in whose districts such public highways are.

(2) After the specifications maps plans sections and elevations have been approved of by the Board notice in writing shall be given to every such owner lessee and occupier and council of municipality stating—

- (a) The locality of the proposed work.
- (b) That such work will concentrate or divert drainage.
- (c) That such specifications maps plans sections and elevations are open for inspection at the office of the Board or at the office of the council of the municipality nearest to the proposed works during office hours.
- (d) That any owner lessee or occupier of private land and council of municipality who considers that by reason of the concentration or diversion of drainage any land owned leased or occupied by him or public highway in its municipal district will be injuriously affected must within twenty-one clear days from the service of such notice upon him or it state in writing the amount of compensation claimed by him or it in respect thereof.

(3) No owner lessee or occupier or council who has been served with notice as aforesaid nor his heirs executors administrators transferees or assigns shall be entitled to compensation unless a claim therefor be made within the time aforesaid.

(4) The

After plans &c. are
approved notice to
be given to
owners &c.

Claims.

(4) The notice to be given to any owner lessee or occupier of private lands by the Board may be served— Service of notice.

(a) By delivering the same personally to the person required to be served; or

(b) By forwarding the same by post in a registered letter addressed to the usual or last-known place of abode of such person; or

(c) If such person is absent from Victoria or his address is not known by leaving it with the agent or occupier of the land affected by the proposed work, or if there is no agent or occupier by putting it up in a conspicuous place on such land.

(5) The Board may commence such work at any time after the expiration of twenty-one clear days from the date of service of notice upon all persons whose lands are likely to be affected thereby and upon all councils the public highways in whose municipal districts are likely to be affected thereby or at any earlier date if all such persons and councils have agreed in writing either to waive all claim to compensation or to accept in full satisfaction of all claim the amount offered by the Board and any such agreement shall be binding equally upon the person with whom it is made and his heirs executors administrators transferees and assigns. Commencement of work.

(6) It shall be lawful for the Board at any time before proceeding with the execution of the proposed work instead of paying the compensation claimed or awarded to give notice to the persons or councils who have claimed or have been awarded such compensation that it does not intend to proceed with the execution of the proposed work; but where proceedings for fixing the amount of compensation have been commenced or completed the Board shall pay such costs of such proceedings as have been or may be awarded by the police magistrate arbitrator or judge by whom such claim has been or is being determined. Board may give notice that it does not intend to proceed with work.

Power to sell Old Roads.

58. (1) Where under the provisions of this Act a deviation from a main road has been made the Board may sell so much of the old road as in the opinion of the Board has been rendered useless by such deviation. The proceeds of such sale shall be paid to the Treasurer and placed to the credit of the Country Roads Board Fund Old roads.

(2) Where

(2) Where in the opinion of the Board a deviation which has been authorized by the Governor in Council will render useless a portion of the old road the Board may require the owner of any land through which the deviation will be made to take a portion of such old road adjoining the land of such owner and the value thereof shall be deducted from any sum to be paid to such owner by the Board by way of compensation; and if such value cannot be agreed upon between the Board and such owner the same shall be settled in the same manner and at the same time as the compensation to be paid to such owner.

See Act No. 893
s. 485 (6).

(3) If any instrument of transfer of any such land under the seal of the Board is presented to the Registrar of Titles accompanied with a copy of the *Government Gazette* containing the Order of the Governor in Council which it is hereinbefore provided shall be evidence that the road over such land is a main road the Registrar shall proceed to register such transfer in like manner as if it had been accompanied by a Crown grant to the Board of the land purporting to be so transferred.

Regulation of Weight on Vehicles and Traction Engines.

Incorporation of
Parts XXII. and
XXIII. of the
*Local Government
Act 1903.*

59. The provisions of Part XXII. and Part XXIII. of the *Local Government Act 1903* shall so far as applicable be incorporated in this Act as to main roads and shall be construed together herewith as one Act and for the purposes of this Act the following expressions in the said Parts shall have the meaning hereby assigned to them save when the context is inconsistent therewith, that is to say:—

“Municipality” “the municipality” “any municipality” “such municipality” and like expressions shall mean the Board; “council” “the council” “any council” “such council” and like expressions shall mean the Board.

Power to make Contracts.

Contracts.

60. (1) (a) The Board by its corporate name may enter into contracts with any persons for the purchase exchange or taking on lease of any land or for the execution of any works directed by this or any Act to be executed by it or which it may think proper to do or to direct to be done under or by virtue of the powers conferred upon it by this or any Act or for the supply of any matters or things whatsoever necessary for enabling the Board to carry the purposes of this Act into full and complete effect in such manner and upon such terms and for such sum of money and under such stipulations conditions and restrictions as the Board may think proper.

(b) Every such contract may if the Board thinks fit specify the person to whose satisfaction the same is to be completed and the mode of determining any dispute which may arise concerning or in consequence of such contract.

(2) The

(.) The powers hereby granted to the Board to make contracts may be exercised as follows:—

Mode of entering into contracts.

- (a) Any contract which if made between private persons would be by law required to be in writing and under seal the Board may make in writing in its corporate name under its common seal and in the same manner may vary or discharge the same.
- (b) Any contract which if made between private persons would be by law required to be in writing and signed by the parties thereto the Board may make in writing in its corporate name signed by any two members and in like manner may vary or discharge the same.
- (c) Any contract which if made between private persons would be by law valid although made by parol only and not reduced into writing the members or any two of them of whom the chairman shall be one acting by direction and on behalf of the Board may make by parol only without writing and in like manner may vary or discharge the same.
- (3) (a) All contracts so made and duly executed by the parties thereto respectively shall be effectual in law and binding on the Board and all other parties thereto their successors executors or administrators as the case may be.
- (b) In case of default in the execution of any such contract either by the Board or by any other party thereto such actions or suits may be instituted either by or against the Board in its corporate name or by or against the other parties failing in the execution thereof and such damages and costs recovered as might be instituted and recovered had the like contract been made between private persons.

BY-LAWS.

For what purposes By-laws may be made.

61. Subject to the provisions hereinafter contained by-laws may be made by the Board and published in the *Government Gazette* for the purposes mentioned in this Act and for the purposes following:—

Purposes for which by-laws may be made.
See Act No. 1893 s. 197.

- (1) Prohibiting or regulating the locking of the wheel of any vehicle when descending a hill on any main road unless there is placed at the bottom of such wheel during the time of its being locked a skid-pan slipper or shoe in such manner as to prevent the road from being injured by the locking of such wheel:

(2) Prohibiting

- (2) Prohibiting or regulating the use on any main road of any vehicle not having the nails on its wheels countersunk in such manner as may be specified in such by-law or having on its wheels any bars spikes or other projections forbidden by such by-law: and
- (3) Prohibiting or regulating the drawing or trailing of any sledge timber or other heavy material upon any main road.

Service of Notices.

Service of notices :
how effected.

62. Any notice order or demand which is by this Act required to be given or served as to which no mode of service is specified may be served by post by prepaid letter, in the case of service on any municipality addressed to the clerk of the municipality, and in the case of service on any other person addressed to the last-known place of abode within Victoria of such person.

*Actions against the Board for Negligence in respect of
Main Roads.*

Conditions under
which actions for
negligence in
respect of main
roads &c. may be
brought against
the Board.

See Act No. 1893
s. 708.

63. No person shall be entitled to recover damages against the Board in respect of any loss or injury sustained either to himself or any other person or any property by reason of any accident upon or while using any main road unless the following conditions are complied with or in case such last-mentioned person or the then owner of such property may have died within the time hereinafter allowed for giving notice by the one of such conditions which is numbered (1) the one of such conditions which is numbered (4) is complied with:—

- (1) That notice in writing stating the name and address of the person injured or of the owner of such property the nature of the accident and the time and place at which it took place be left at the office of the Board or by posting the same in a prepaid letter addressed to the Board at the office of the Board by or on behalf of the person injured or by or on behalf of the owner of such property within one month after the occurrence of the accident or the plaintiff show some sufficient reason why the person injured or the owner of such property was unable to give such notice.
- (2) That in case of injury to the person the person injured permit himself to be examined by any legally qualified medical practitioner appointed on behalf of the Board and if in a fit state so to do answer fully such reasonable inquiries of such medical practitioner as may be necessary to enable him to ascertain the extent of the injury.
- (3) That in case of injury to property the property injured if it is possible so to do be produced for inspection of any person appointed on behalf of the Board.

(4) That

(4) That one month's notice in writing of the action be given to the Board by leaving the same at the office of the Board or by posting the same in a prepaid letter addressed to the Board at the office of the Board setting forth the particulars of demand so far as the same can be reasonably supplied and naming a time and place at which accounts and vouchers for the same can be inspected on behalf of the Board.

(5) That the person injured or the owner of such property from time to time answer in writing all such reasonable inquiries relating to the cause of action as may be addressed to him by or on behalf of the Board.

64. (1) Not less than one month after the service of notice of an action for any such cause as aforesaid an action for such cause may subject to the provisions of any law for the time being in force as to the venue of County Court actions be brought in any County Court whatever be the amount claimed and except as hereinafter mentioned such action shall not be brought in the Supreme Court.

Action may be brought in the County Court unless otherwise ordered.

Act No. 1893 s. 709.

(2) But if it appears to any Judge of the Supreme Court on application of either party that such action ought more properly to be brought in the Supreme Court such Judge may order that such action be brought in the Supreme Court, or if it is already commenced be transferred to the Supreme Court.

(3) The amount of any judgment and costs recovered by any person in any action against the Board in respect of any loss or injury sustained by any person by reason of any accident upon or while using any main road other than loss or injury caused by any work in course of construction by the Board or by the defective construction of any work by the Board or the amount agreed to be paid by the Board as compensation to any person in respect of any such loss or injury shall be deemed to be maintenance expended on that part of the road where the accident took place.

Damages paid in respect of accidents to be deemed maintenance.

65. If any action for any such cause as aforesaid is commenced by any plaintiff when the conditions hereinbefore contained have not been complied with, and the Board is able to prove by affidavit to the satisfaction of the court in which the action is pending that such is the case, such court may order such action to be stayed.

Power to stay action where conditions have not been complied with.

Ib. s. 710.

Penalties on Municipalities making Default.

66. The Minister may by order under his hand direct that for every day which a council of a municipality is in default in the performance of any duty imposed upon it by this Act there shall be deducted by the Treasurer the sum of Two pounds from any moneys that may at any time be or become payable by him to such municipality out of the Consolidated Revenue or on account of any fees fines penalties or equivalent licence-fees and such deduction shall be made accordingly.

Penalty for default.

See ib. s. 724.

Saving

Saving Powers of Municipalities.

Declaration of
footway.

67. (1) It shall be lawful for the Board with the approval of the Governor in Council at any time and from time to time by notice in the *Government Gazette* to declare that any part of a main road described in such notice shall be a footway and thereupon any Act relating to local government shall have the same operation in regard to such footway as if this Act had not been passed.

Existing footway.

(2) Where the footways of any public highway have been fixed under any Act relating to local government prior to such highway becoming a main road any Act relating to local government shall have the same operation in regard to such footways as if this Act had not been passed.

Saving powers of
municipalities.

Save in so far as inconsistent with this Act every municipality shall have the same powers over the main roads within its municipal district as it has over other public highways within its municipal district.

Compensation: How Determined.

Incorporation of
Part XXXVII. of
*Local Government
Act 1903.*

68. The provisions of Part XXXVII. of the *Local Government Act 1903* or any amendments thereof so far as they are not inconsistent herewith are hereby incorporated with this Act and shall be construed together herewith as one Act, and for the purposes of this Act the following expressions in Part XXXVII. of the *Local Government Act 1903* shall have the meaning hereby assigned to them save where the context is inconsistent therewith, that is to say:—

“Municipality” “the municipality” “any municipality” “such municipality” and like expressions shall mean the Board.

“Council” “the council” “any council” “such council” “council of municipality” and like expressions shall mean the Board.

Offences.

Penalties for
offences.

69. Every person committing a breach of any of the provisions of this Act or of any by-law or regulation made under this Act shall be guilty of an offence and for every such offence if no other penalty is imposed shall be liable to a penalty not exceeding Twenty pounds. All penalties recovered under this Act shall be placed to the credit of the Country Roads Board Fund.

Regulations.

Regulations.

70. The Governor in Council may from time to time make regulations to be published in the *Government Gazette* for the purpose of carrying this Act into execution or conferring upon the Board with respect to main roads any right power protection privilege or obligation relating to the construction improvement or maintenance of highways conferred upon the council of a municipality by any Act relating to local government.

Evidence

Evidence.

71. The production of—

Evidence.

- (a) A copy of the *Government Gazette* containing any by-law regulation order or notice purporting to be made or given under the provisions of this Act, or
- (b) A copy purporting to be a true copy of any by-law or regulation of the Board sealed with the seal of the Board

shall be evidence until the contrary is proved of the due making existence confirmation approval and giving of such by-law regulation order or notice and of all preliminary steps necessary to give full force and effect to the same and of the contents thereof.

72. The hours to be worked by any unskilled adult workman employed by the Board shall not exceed forty-eight hours in any one week and the rate of wage to be paid by the Board to such workman shall be not less than Eight shillings per day of eight hours. Any such workman may work for the Board overtime for a special payment which shall not be less than time and a quarter for the first two hours so worked and time and a half for each subsequent hour. The rate of wage to be paid to and the hours to be worked by all skilled workmen employed by the Board shall be the recognised standard rate for the recognised hours.

Hours to be worked by workmen and rates of wage.

Annual Report.

73. The Board shall as soon as practicable after the termination of each year present a report to the Minister setting forth its proceedings, the permanent works constructed, and the roads maintained during such year. The report shall give particulars as to the locality of the works constructed and of the roads maintained and the mileage of such roads and shall contain an account of all moneys received and expended under the provisions of this Act.

Board to annually present a report of works constructed and roads maintained.

Copies of such report shall be laid before both Houses of Parliament if Parliament be sitting when the report is presented, and if Parliament is not then sitting within one month after the commencement of the next ensuing Session, and after such report has been presented to Parliament a copy thereof shall be sent to each municipal council.

SCHEDULES.

SCHEDULES.

Section 2.

FIRST SCHEDULE.

Number of Act.	Short Title of Act.	Extent of Repeal.
No. 1134 ...	<i>Public Works Act 1890</i>	Part II.
No. 1894 ...	<i>Unused Roads and Water Frontages Act 1903</i>	Section thirteen
No. 2237 ...	<i>Motor Car Act 1909</i>	Section twenty-one

Sections 40, 41.

SECOND SCHEDULE.

RATES OF FEES ON REGISTRATION OR RENEWAL OF REGISTRATION OF MOTOR CARS, MOTOR CYCLES, AND TRACTION ENGINES.

	£	s.	d.
Motor cycles of whatever horse power	0	5	0
Motor cars—			
Not exceeding 6½ horse power	1	1	0
Motor cars—			
Exceeding 6½ but not exceeding 12 horse power	2	2	0
Exceeding 12 but not exceeding 16 ”	3	3	0
Exceeding 16 but not exceeding 26 ”	4	4	0
Exceeding 26 but not exceeding 33 ”	5	5	0
Exceeding 33 horse power	6	6	0
Motor cars, which are constructed and adapted for use and are used solely for the conveyance of any goods or burden in the course of trade or husbandry	3	3	0
Traction Engines	3	3	0

MELBOURNE:

By Authority: ALBERT J. MULLETT, Acting Government Printer.