

Hon. Major Atkinson.

LOCAL PUBLIC WORKS.

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A BILL INTITULED

Title.

AN ACT to make Provision for aiding the Construction of Roads and other
Local Public Works.

BE IT ENACTED by the General Assembly of New Zealand in Parliament
assembled, and by the authority of the same, as follows :—

Short Title.

1. The Short Title of this Act is "The Local Public Works Act, 1880."

Interpretation.

2. In this Act, if not inconsistent with the context,—

"County" means a county not excepted from the operation of "The
Counties Act, 1876:" 5

"Road district" means a district constituted under any Act or Ordinance
(not being a county or borough) in which the roads or highways are
under the control of a Road Board, and includes a highway district.

"Local governing body" means the Council of a county, and includes any
Board or authority having the control and care of roads or highways
within a road district under any Act or Ordinance, and also any Board
of River Conservators constituted under any such Act or Ordinance : 10

"Road," whether a main road or a district road, includes bridges, ferries,
culverts, and drains connected with roads : 15

"River works" mean any protective works which a Board of River Con-
servators may be authorized by law to construct or undertake in any
place or district in which it has jurisdiction :

"Construction" means the making and completion of any road or river
work, and includes reconstruction in case of total or partial destruction,
but does not include ordinary repairs or maintenance. 20

Repeal of sections 5
and 6 of "The
Financial Arrange-
ments Act, 1877,"
Division of Act.

3. Sections five and six of "The Financial Arrangements Act 1876 Amend-
ment Act, 1877," are hereby repealed.

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

PART I.—Constitution of Local Public Works Board. 25

PART II.—Grants in Aid for Main Roads.

PART III.—Grants in Aid for District Roads and River Works.

PART IV.—General Provisions.

PART I.

CONSTITUTION OF LOCAL PUBLIC WORKS BOARD. 30

Local Public Works
Board constituted.

5. A Board is hereby constituted, to consist of the persons for the time
being holding the offices of Minister for Public Works, Engineer-in-Chief,
Surveyor-General, and Public Trustee, whose duty it shall be to administer this
Act.

Power to fill
vacancies.

In case any of the said offices are abolished, the Governor may from time to
time appoint any person to fill the vacancy so created. 35

Status of Board.

6. If any vacancy occurs in any of the said offices by death, resignation, or
in any other manner, the Board may act notwithstanding such vacancy.

No member of the Board shall be disqualified from acting by reason only of
his being interested as a ratepayer in any application or proceeding under this
Act. 40

Board incorporated.

7. The Board shall be a corporate body by the name of "The Local Public
Works Board" (herein called "the Board"), with perpetual succession and a
common seal, and with full power and authority by that name to sue and be
sued in all Courts whatsoever, and shall be capable in law for the purposes of
and subject to this Act to do and suffer all such acts and things as bodies
corporate may do and suffer, with power to take and hold lands, tenements, or
hereditaments. 45

8. The Board may from time to time make by-laws for the conduct of its business, fixing the quorum at meetings, for regulating the mode and time of making applications to it under this Act, and generally for the purpose of giving effect hereto.

May make by-laws for conduct of business.

5 But no such by-laws shall be repugnant to the provisions of this Act; and every by-law shall be approved of by the Colonial Treasurer before coming into operation.

Subject to approval of Colonial Treasurer.

PART II.

GRANTS IN AID FOR MAIN ROADS.

10 9. In order to give effect to this Part of this Act during the financial year commencing on the first day of April, in the year one thousand eight hundred and eighty, there shall be placed to the credit of the Board, out of the moneys raised under "The New Zealand Loan Act, 1879," the sum of one hundred and fifty thousand pounds.

£150,000 appropriated out of loan for present financial year.

15 10. The Land Fund shall be charged with the sums appropriated from time to time for the expenses of the surveys and the administration of Crown lands.

Charges on Land Fund.

11. If in any year, after defraying all such charges, and any other charges lawfully imposed upon the Land Fund, there remains any surplus of such Fund, all such surplus up to the sum of one hundred and fifty thousand pounds shall in each year be placed to the credit of the Board.

£150,000 per annum out of surplus land revenue to be paid to Board.

Nothing in this Act shall be deemed to affect the operation of sections eleven and twelve of "The Financial Arrangements Act, 1876," which shall remain in full force.

12. All moneys available for the purposes of this Part of this Act shall be paid to a separate account in the Public Works Fund, to be called "The Main Roads Account," and shall be issued thereout, upon the certificate of the Board, in such manner as the Governor may from time to time direct.

Money available under this Part of Act to be paid into separate account in Public Works Fund.

13. All moneys standing to the credit of such account shall be applied by the Board from time to time in the following order:—

Application of moneys at credit of such account.

30 (1.) In payment of the several charges thereon prescribed by "The Rating Act Amendment Act, 1880;"

(2.) Towards the construction of main lines of road which have been brought under the operation of this Act, as hereinafter provided.

14. The Governor, by notification in the Gazette, shall declare—

35 (1.) Which lines of road within the colony, whether in existence at the date of the passing of this Act, or which may be intended to be constructed, shall be main roads within the meaning of this Act; and

Governor to declare main roads for purposes of Act.

(2.) Which of such main roads shall be constructed, either wholly or in part, at the expense of the respective counties through which they pass.

40 15. The Governor may also revoke any such notification, and from time to time make new notifications, or vary the same in any particular, as circumstances may require; but so that no revocation of a notification shall affect anything previously done by virtue thereof.

May revoke notification.

45 16. The effect of such notification shall be that each county affected thereby is charged with the construction of the line or lines of main road therein mentioned, and in respect thereof shall have all such powers and authorities as if the same was or were county roads within the meaning of "The Public Works Act, 1876."

Effect of notification.

50 17. When a County Council is required to undertake the construction of a main road, and desires aid under this Part of this Act, it shall cause proper

County Council to cause estimates and plans of works to be prepared.

- estimates of the cost of the work to be prepared, together with plans and specifications where necessary, in such manner as the Board may prescribe.
- And submitted to Board. 18. The Council shall submit such estimates, plans, and specifications (if any) to the Board, and make application for aid under this Part of this Act.
- Cost of constructing main roads to be advanced to counties subject to repayment of one-fourth. 19. The Board shall consider the application, and shall, subject to the provisions of section *thirty-seven* of this Act, advance to the Council a sum sufficient to defray the entire cost of such construction, upon the undertaking of the Council to repay to the Board *one-fourth* of the total amount of such advance within *ten* years from the making thereof. 5
- County Council to give notice and take a poll of ratepayers. 20. The Council shall then give the notices, and take a poll of the ratepayers in the county as hereinafter provided, and, if the result shall be in favour of the proposal, the Board shall proceed to make and levy a special rate, which shall be sufficient to repay one-fourth of the total amount of such grant-in-aid within *ten* years by twenty equal half-yearly payments. 10
- Amount borrowed may be repaid at any time. Provided, however, that it shall be competent for the County Council to repay any part or the whole of such amount at any time within such ten years; and whenever the whole amount borrowed shall be repaid the said special rate shall cease to be collected. 15
- Advances may be made in progress payments. 21. When the Board has consented to make an advance to a County Council, the same may be made in instalments from time to time, and shall be repayable by such County Council within *ten* years from the time when the first advance on account thereof shall be made by the Board. 20
- SPECIAL PROVISION AS TO ARTERIAL MAIN ROADS.
- Special provision as to arterial main roads. 22. Whenever the Governor in Council is satisfied that a main road or any part thereof is of importance as a colonial work, and that the county or counties through which it passes is or are unable to construct or maintain the same, he may authorize the Board to advance out of the Main Roads Account such a sum as he thinks reasonable by way of aid to such county or counties. 25
- Sums granted for such roads how to be expended. 23. Such sum shall be expended by the local governing bodies in the county or counties affected, on the road or part thereof specified in the Order in Council, upon such terms and in such manner as the Minister for Public Works may sanction. 30
- Not to be repayable, and no special rate to be levied. 24. No part of such sum so advanced under the *twenty-second* section shall be repayable by the county or counties benefited, nor shall any special rate be levied in respect thereof. 35
- Order in Council not to have effect till approved by House of Representatives. 25. No Order in Council made under the *twenty-second* section shall have any effect until a resolution has been passed by the House of Representatives approving of the same.
- PART III.
- GRANTS IN AID FOR DISTRICT ROADS AND RIVER WORKS. 40
- £50,000 to be advanced to Board out of loan for present financial year. 26. In order to give effect to this Part of this Act during the financial year commencing on the *first* day of *April*, one thousand eight hundred and *eighty*, out of the moneys raised under "The New Zealand Loan Act, 1879," there shall be placed to the credit of the Board, to a separate account in the Public Works Fund, to be called "The District Works Account," the sum of *fifty* thousand pounds. 45
- Board may borrow £100,000 from certain funds. 27. The Governor in Council may, on the application of the Board, authorize it to borrow from time to time, out of any funds under the control of the Postmaster-General or the Commissioner of Annuities, available for investment, any sum or sums not exceeding *one hundred thousand* pounds. 50
- Application of money borrowed. 28. All moneys borrowed by the Board from time to time, as hereinafter mentioned, shall be applied by the Board towards making advances of money as loans in aid of the construction of roads (other than main roads) and river works.

- 29.** All moneys so borrowed shall be placed to the credit of the District Works Account, and shall be issued and paid thereout, upon the certificate of the Board, in such manner as the Colonial Treasurer may from time to time direct. Money to be placed to credit of District Works Account.
- 30.** For all sums so borrowed the Board shall give a debenture for the repayment of the same, with interest thereon at *five* per centum per annum. Board to give debenture for repayment of loan chargeable on Consolidated Fund.
- Every such debenture shall be in such form as shall be approved by the Colonial Treasurer, and shall be deemed to be secured on the Consolidated Fund, which shall be liable for the sum mentioned in the debenture.
- 31.** The Board may from time to time repay the whole or any part of the amount secured by any such debenture. May repay moneys.
- 32.** Out of the funds thus provided, the Board may from time to time make advances on loan to any local governing body in aid of the construction of roads within their jurisdiction, not being main roads, or in aid of the construction of river works. Board may advance moneys for district works to local bodies.
- 33.** When any local governing body desires to obtain from the Board an advance for the construction of any roads or river works within its jurisdiction, it shall make application for that purpose in the same manner and under like conditions as hereinbefore prescribed in the case of County Councils. How applications for aid to be made.
- If the application be granted, such local governing body shall in each case make and levy a special rate of *nine* per centum per annum upon the amount advanced, for the repayment thereof, and shall repay the same by thirty equal half-yearly payments. Special rate to be made.
- 34.** The provisions of sections *seventeen* to *twenty-one* inclusive, so far as applicable, shall extend and apply to applications made by local governing bodies under this Part of this Act. Application of previous provisions.

PART IV.

GENERAL PROVISIONS.

(1.) *Conditions affecting Grants in Aid.*

- 35.** Where a main road, or any other road, on the boundary of two or more counties or districts lies lengthways, partly in one county and partly in another or others, such roads shall be constructed by the several local governing bodies of the county or district in such equitable manner as the Governor may declare from time to time. Where road on a boundary, Governor may declare how same shall be constructed.
- 36.** Where extraordinary damage has been done to a main road or any other road, or to any river-works, by flood, tempest, or accident, such damage shall be deemed within the objects for which moneys may be advanced under this Act. Damage to works by flood, &c., deemed purposes for which money may be advanced.
- 37.** The Board shall apply the funds at its disposal equally among the governing bodies applying for aid, and if there are not funds to satisfy applications in full, the Board may grant aid in each case *pro rata*, in such manner as the Board thinks equitable. Order in which Board shall apply fund.
- Provided that applications in cases of extraordinary damage shall have priority over other applications for aid to construct main or other roads, or river works; and the Board shall be the sole judge as to the nature of the damage and the necessity for priority.
- 38.** The Board shall only refuse any application made under this Act upon one or other of the following grounds:— When Board may refuse applications.
- (1.) That there is no money then available;
- (2.) That the applicants have not complied with the terms of this Act.
- But a refusal on one occasion shall not preclude further application at a future date, and, as far as may be consistent with the terms of this Act, all such rejected applications shall have priority if renewed or allowed to stand over.

Acts done by local governing bodies to bind corporate bodies.

39. All acts lawfully done by a local governing body, in pursuance and exercise of the powers and authorities conferred by this Act, shall be binding on the corporate bodies of which they are a part.

(2.) *Notifications by Local Governing Bodies.*

Notice of special rate to be published by local governing body.

40. When a local governing body has applied for aid under this Act, it shall publicly notify once in each week, in some newspaper circulating in the county or district, for four successive weeks, a notice setting forth—

(1.) The particular work proposed to be undertaken, and the estimated cost thereof ;

(2.) The amount of the special rate that will be required to make the half-yearly payments, as provided by this Act.

Consent of ratepayers to be had to special rate.

41. No special rate shall be levied for any purpose authorized by this Act until the consent of the ratepayers within the county or district has been obtained thereto by means of a poll, to be taken in the manner hereinafter provided.

Procedure when votes taken.

42. If at such poll the number of votes given for the proposal within the several ridings or road or river district (as the case may be) taken together exceeds the number given against it, the resolution in favour of the proposal shall be deemed to be carried, and the local governing body may proceed with the proposal accordingly ; but, if there is not such a majority in favour of the proposal, the resolution shall be deemed to be rejected, and the local governing body shall not so proceed.

(3.) *Mode of Taking a Poll.*

Chairman of local body to call meeting of ratepayers to consider proposal to raise special rate.

43. For the purpose of taking the votes of the ratepayers of any county, road district, or river district on the proposal to levy a special rate, the Chairman of the local governing body shall, by advertisement in a newspaper circulating in the county or district, call a meeting of the ratepayers to consider the said proposal, specifying the time and place at which the meeting is to be held.

A meeting of ratepayers shall be held within each riding of a county, road district, or in the case of a divided road district within each ward or other subdivision thereof, or in the river district (as the case may require), upon a day not more than ten days after the last publication of any notice required by section forty of this Act.

Chairman to appoint presiding officer of each meeting.

44. The Chairman of the local governing body shall appoint one of the members thereof to preside at each meeting, if such member shall be willing to act ; and, if no such member is willing to act, or becomes incapacitated from acting for any cause, then such person as the Chairman thinks fit.

The member or person so appointed shall be called the " Presiding Officer," and he shall be chairman of the meeting to be held in the riding, road district, or ward, or other subdivision thereof, as aforesaid, for which he has been appointed, and shall act as such at the taking of any poll as hereafter provided.

After due consideration and discussion of the proposal, the Presiding Officer may give notice that a poll will be taken.

How poll to be taken.

45. The poll shall be taken as follows :—

(1.) The Chairman shall publish a notice setting forth the day, not less than one nor more than three weeks from the day of the said meeting, on which the poll will be taken.

(2.) The Chairman shall give notice in writing to the Presiding Officer, requiring him to take the poll upon the day appointed.

(3.) The Presiding Officer shall, upon the day so appointed, proceed to take the poll in the manner provided by "The Regulation of Local Elections Act, 1876," for taking a poll at any election, and shall provide voting papers and all things necessary for taking the poll.

5 (4.) The voting papers shall be printed in the form in the Schedule hereto, setting forth the notice mentioned in the *fortieth* section.

(5.) The voter shall erase one or other of the said lines, and his vote shall be deemed to be given according to the one of the said lines which he leaves un erased.

10 (6.) All the provisions of "The Regulation of Local Elections Act, 1876," as regards taking a poll, shall, so far as they are applicable, and except as by this section otherwise provided, apply to the taking a poll on the proposal to levy a special rate.

15 46. As soon as conveniently may be after the result of the poll has been ascertained, the Chairman shall give public notice of the number of votes recorded for and against the proposal as above provided, and shall declare the resolution to be carried or rejected, as the case may be. Result of poll to be published.

(1.) *As to Repayment of Loans.*

20 47. If a local governing body at the time of making application for aid has in hand a sum sufficient to repay the part or whole of the moneys advanced as prescribed by this Act, it shall not be necessary for such body to levy a special rate for the purposes of this Act. When money in hand no special rate need be levied.

Every such body shall satisfy the Board that such sum is actually available for the purposes aforesaid, and that the same shall not be spent otherwise than for the purposes of this Act.

25 48. Every special rate to be made under this Act shall be made, levied, and collected in the same manner, and with the like powers, as other special rates may be made and levied by any local governing body, and shall so continue to be made, levied, and collected until the advance or loan in respect of which such special rate was made is paid off. Every special rate to be permanent until advance repaid.

30 49. If any local governing body has no power by law to make or levy such special rate, this Act shall be deemed sufficient authority for that purpose, and in that case all the powers such local governing body would have to raise, levy, and collect a general rate, shall be deemed to extend to the special rate authorized by this Act, and may be exercised accordingly so far as applicable. Powers where body has no authority to raise special rate.

35 50. The local governing body shall pay to the Board the amount of each instalment of a special rate levied under this Act within *fourteen* days after such instalment is due. Special rate to be paid to the Board.

40 Every such payment shall be made clear of all costs and charges of collecting or recovering such special rate.

45 51. If default is made by any local governing body at any time in the payment of any sum due to the Board, the Board shall have all the powers of the local governing body by whom such special rate should have been collected, and after written notice to such body that it intends to assume the powers conferred by this Act, the Board shall have and may exercise all the rights, powers, and remedies of such local governing body for the recovery of such rate. Powers of Board in case of default in payment of special rate.

50 52. The Board may sue in its own name for any such rate, or in the name of the corporate body of which any such local governing body is a part, and it may exercise all or any of the powers and remedies hereby given to it for any one period during which such rate may be payable, and may then relinquish the exercise of such powers and remedies, but may again resume them at any time if in its discretion it shall think fit so to do. Collection of rates.

Board may recover
expenses of collecting
arrears.

53. The exercise of any such right or remedy as aforesaid shall not prevent the Board from recovering from such corporate body any sums advanced under this Act or any expenses incurred by the Board in the recovery of any rate due to it by such local governing body by any other process or proceeding authorized by law.

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Schedule.

SCHEDULE.

FORM OF VOTING PAPER FOR SPECIAL RATES.

"The Local Public Works Act, 1880."

PROPOSAL to levy a special rate, upon which a poll will be taken on the day of _____, 18 . . . [*Insert the notice required by the fortieth section of this Act.*]

1. I vote *for* the above proposal.
2. I vote *against* the proposal.

By Authority: GEORGE DIDSBURY, Government Printer, Wellington.—1880.