

62

## ROADS AND BRIDGES CONSTRUCTION.

### ANALYSIS.

#### Title.

1. Short Title.
2. Interpretation.

#### PART I.

##### HOW FUNDS PROVIDED FOR MAIN ROADS.

3. £100,000 of Public Works Fund to be transferred to Main Roads Account.
4. £100,000 of Land Fund, after certain deductions, to be transferred to Main Roads Account.
5. Treasurer may make progress transfers to Main Roads Account based on his estimate of Land Fund.
6. If surplus Land Fund does not reach amount transferred under last section, deficiency a charge on next year's grant.

##### AS TO GRANTS IN AID OF MAIN ROADS.

7. How roads made main roads under this Act.
8. County Council to have like powers over main roads as over county roads.
9. When Council desires aid, estimates and plans to be prepared.
10. Estimates, &c., to be submitted to Minister when application made.
11. Subject to conditions, Minister shall inform local body that application should be granted, subject to proposal being carried.
12. Poll of ratepayers to be taken, and, if result favourable, special rate to be levied.
13. After poll, if proposal carried, Minister to certify to Treasurer that amount of grant should be paid over.
14. Council to deliver debentures for one-fourth of advance.
15. Upon delivery of debentures, Treasurer to pay over money subject to conditions.
16. Council may take up debentures before they are due.
17. If whole amount not required, debentures may be reduced by Controller and Auditor-General.

18. If Council will find one-fourth, Treasurer may pay over other three-fourths without poll, &c.
19. If Council will find portion of one-fourth, amount of debentures to be proportionately reduced.

#### PART II.

##### HOW FUNDS PROVIDED FOR DISTRICT ROADS AND RIVER WORKS.

20. £100,000 of Public Works Fund to be transferred to District Roads and River Works Account.
21. Treasurer may be empowered by Governor in Council to borrow £100,000 for District Roads, &c., Account.
22. Treasurer to give debentures for sums borrowed.
23. Treasurer may pay principal and interest on the debentures.
24. If funds insufficient payments may be made out of Consolidated Fund.
25. Treasurer may repay debentures at any time.

##### AS TO LOANS FOR DISTRICT ROADS AND RIVER WORKS.

26. How loans granted for district roads and river works.

#### PART III.

##### GENERAL PROVISIONS AFFECTING GRANTS-IN-AID AND ADVANCES.

27. As to custody of debentures given by local bodies.
28. Controller and Auditor-General may apply in name of Her Majesty for appointment of receiver.
29. How moneys received from local bodies dealt with.
30. Repairing of extraordinary damage deemed construction.
31. Rebuilding of bridge on main road deemed construction if necessity has arisen through fair wear and tear.
32. All applications made prior to 1st January, 1883, deemed to be made simultaneously on that day.

33. In future years applications must be made prior to 30th June, and all so made deemed to be made simultaneously on that day.
34. Notwithstanding last two sections, all applications caused by extraordinary damage may be granted at any time.
35. Poll may be taken prior to sending in of application. Provided that, if whole amount applied for not granted, new poll to be taken.
36. When application deemed to lapse.
37. Order in which Minister grants certificates.
38. Applications in cases of extraordinary damage to have priority.
39. Rates may be made in special portions of districts.
40. Grounds on which Minister may refuse certificate.
41. Refusal on one occasion not to preclude further application.
42. Two or more local bodies may make joint application.
43. Local body may make application for works outside its district.
44. One application may be made for several works.
45. Conditions on which applications may be made for further advance for same work.
46. Members of local body personally liable for improper dealings with money.
47. Minister and Treasurer to report yearly to General Assembly.
- AS TO THE POLL OF THE RATEPAYERS.
48. Notice to be given by local body applying for aid.
49. How poll taken.
50. Result of poll, how declared.
51. Returning Officer to forward certificate of result to Minister.
52. How notice of poll dispensed with where rate-payers do not exceed one hundred.
- AS TO MAKING A SPECIAL RATE.
53. Special rate, how made.
54. Amount of special rate, when increased or diminished.
55. Amount of special rate when diminished.
56. No special rate capable of being quashed.
57. "Rating Act, 1882," to apply, and references to same how construed.
58. If local body pay debentures out of ordinary revenue, they need not collect special rate in certain cases.
59. Provisions of last section apply where separate rate levied over district coterminous with that in which special rate levied.
- PART IV.
- AS TO ROADS ON UNSOLD CROWN LANDS.
60. 20 per cent. of proceeds of land sold in preceding year applied as appropriated in making roads next year on unsold lands.
61. Minister may contract for construction or authorize local bodies to contract, and Treasurer shall pay 20 per cent. on direction of Minister of Lands.
- Schedules.

## A BILL INTITULED

Title.	<b>AN ACT</b> to make Provision for aiding the Construction of Roads, Bridges, and River Works.	
	<b>BE IT ENACTED</b> 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 Roads and Bridges Construction Act, 1882."	5
Interpretation.	2. In this Act, if not inconsistent with the context,— "Road Board" means the Council, Board, Trustees, or the persons or body other than a County Council or Municipal Corporation having the management, control, or care of roads or highways under any Act or Ordinance : "County" means the Council of a county; and, in any county where the operation of "The Counties Act, 1876," is suspended, means the Road Boards of the Road Districts in such county, or any one or more of them, so far as regards the main roads or portions thereof in the road district over which it has jurisdiction : "River Board" means any Board of River Conservators constituted under any Rivers Act : "Local body" means the Council of a county, Road Board, or a River Board : "House" means the House of Representatives : "County" means a county under "The Counties Act, 1876," other than the counties mentioned in the Second Schedule of "The Counties Act, 1876" : "Road district" means a district over which a Road Board as herein defined has jurisdiction :	10 15 20 25

- “River district” means any district over which a River Board as herein-before defined has jurisdiction :
- “Road” includes any bridge, ferry, culvert, or drain which is connected with a road ; and also any tramway, the property of the local body :
- 5 “Main road” means such a road as the Minister shall, by notice published in the *Gazette*, declare to be a main road for the purposes of this Act, after a resolution of the House has approved such notice :
- “District road” means a road other than a main road :
- 10 “River works” mean any protective works which a River Board may by law construct or undertake in its river district :
- “Construction” means the making and completion of any road or river work, and reconstruction in case of total or partial destruction by extraordinary damage, but does not include ordinary repairs or maintenance ; but does include all engineering expenses and expenses of supervision connected with such making, completion, and reconstruction :
- 15 “Minister” means the person for the time being holding the office of Minister for Public Works :
- 20 “Treasurer” means the person for the time being holding the office of Colonial Treasurer.

## PART I.

## HOW FUNDS PROVIDED FOR MAIN ROADS.

3. In order to give effect to this Part of this Act during the financial 25 year commencing on the first day of April, in the year one thousand eight hundred and eighty-two, the sum of *one hundred thousand* pounds, out of moneys at the credit of the Public Works Fund, shall be transferred to the credit of a separate account in the Public Works Fund, to be called the “Main Roads Account.” £100,000 of Public Works Fund to be transferred to Main Roads Account.
- 30 4. In each financial year there shall be transferred from the Consolidated Fund to the Main Roads Account out of the moneys received during such year from the sale of Crown lands (hereinafter called “the Land Fund”), after deducting therefrom the sums following, that is to say,— £100,000 of Land Fund, after certain deductions, to be transferred to Main Roads Account.
- 35 (1.) All sums appropriated and paid from time to time for the expenses of the surveys and the administration of Crown lands ;
- (2.) All sums paid for rates on Crown lands under any Act now or hereafter to be passed imposing rates on Crown lands ;
- (3.) Any such deficiency as is referred to in the *sixth* section hereof ;
- 40 (4.) The one-third of the price of any block of land disposed of under Part III. of “The Land Act, 1877,” which is handed over to the County Councils or Road Boards under section fifty-nine of the last-mentioned Act :
- (5.) Twenty pounds per centum of the proceeds of the sale of Crown lands sold for cash which is appropriated for the making of roads to open up unsold Crown lands under sections *sixty* and *sixty-one* hereof ;
- 45 (6.) All other charges which by any Act heretofore passed and now in force are charged upon the Land Fund :
- a sum not exceeding *one hundred thousand* pounds, or as much less as shall be received from such sales after making the said deductions.

Any balance of Land Fund remaining in excess of the said *one hundred thousand* pounds shall, at the close of each financial year, be transferred from the Consolidated Fund to and form part of the Public Works Fund.

Treasurer may make progress transfers to Main Roads Account based on his estimate of Land Fund.

5. The Treasurer may, during the currency of each financial year, from time to time transfer from the Consolidated Fund to the said Main Roads Account such sums, on account of the said *one hundred thousand* pounds mentioned in the *last* preceding section, as, on his estimate of the amount of Land Fund to be received during such year, may, in his opinion, be so transferred without incurring any risk of the Land Fund not reaching the amount required for the purposes specified in the *fourth* section hereof. 5

If surplus Land Fund does not reach amount transferred under last section, deficiency a charge on next year's grant.

6. If at the end of any year it shall be found that the Land Fund has not reached an amount sufficient to cover the amounts transferred by the Treasurer in accordance with the *last* preceding section, then the amount of such deficiency shall form a first charge on the amount directed to be transferred to the Main Roads Account for the ensuing year. 10

#### AS TO GRANTS IN AID OF MAIN ROADS.

How roads made main roads under this Act.

7. The Minister, by notice published in the *Gazette*, may at any time declare which roads are main roads for the purposes of this Act; but such roads shall not thereby become main roads till after a resolution of the House has been passed approving the same. 15

County Council to have like powers over main roads as over county roads.

8. The Council of any county through which the whole or any portion of a main road passes shall, if it applies for and obtains a grant under this Act for the construction of the whole or any portion of such road, have, in respect of the whole or such portion, all such powers and authorities as if the same was or were county roads within the meaning of "The Public Works Act, 1882." 20

When Council desires aid, estimates and plans to be prepared.

9. When a Council desires aid under this Act for the construction of a main road, or any portion thereof, it shall cause proper estimates of the cost of the work to be prepared, together with plans and specifications where necessary, in such manner as the Minister may direct. 25

Estimates, &c., to be submitted to Minister when application made.

10. The Council shall submit such estimates, plans, and specifications (if any) to the Minister, and may make application to the Minister for a grant, out of the Main Roads Account, of the total cost of construction, of which *one-fourth* shall be repayable by it as hereinafter appears. 30

Subject to conditions, Minister shall inform local body that application should be granted, subject to proposal being carried.

11. The Minister shall consider the application, and, if made in accordance with this Act, and if the Minister has satisfied himself that the estimates of cost of construction so submitted to him as aforesaid are reasonable, he shall inform the Council that the application will be granted either for the whole sum applied for or for such portion thereof as may be granted in accordance with the provisions of this Act, subject to the proposal being carried at the poll as hereinafter provided. 35

Poll of ratepayers to be taken, and, if result favourable, special rate to be levied.

12. The Council shall then give the notices, and take a poll of the ratepayers in the county as hereinafter provided, and, if the proposal be carried in accordance with this Act, the Council shall proceed to make and levy a special rate, to be made as provided by this Act, which shall be sufficient to repay *one-fourth* of the amount granted as aforesaid within *ten* years, by ten equal yearly payments without interest, payable on the first day of May in each year. 40

After poll, if proposal carried, Minister to certify to Treasurer that amount of grant should be paid over.

13. Upon such poll being taken, if the Minister be satisfied that the proposal is carried as aforesaid, and after the Council has made the special rate as aforesaid, the Minister shall forward to the Treasurer a certificate of the amount of the grant. 45

686

14. Thereupon, if the Council agree to accept such grant, the Council shall execute and deliver to the Treasurer a debenture in the form or to the effect set forth in the *First* Schedule hereto for each of the payments referred to in the *twelfth* section hereof, which shall constitute a debt due by the local body to Her Majesty.
15. The first of such debentures shall come due on the first day of May which shall first ensue after the date when the amount of the grant or the first instalment thereof is paid or agreed to be paid over by the Treasurer.
15. Upon receipt of the said debentures the Treasurer shall, without further appropriation, and by such instalments as the Minister shall think fit, and subject to such conditions for ensuring the proper application of the said sum as the Minister shall think fit, pay over to the Council the said sum so granted, or such lesser sum as may be agreed to be taken by it, or as may be found sufficient to pay the actual cost of construction, to be used in the construction of such road.
16. The Council may take up any one or more of such debentures at any time before they become due.
17. If, on the completion of the construction of such road, it shall be found that all the moneys applied for are not required or have not been paid over to the Council by the Treasurer, then the Controller and Auditor-General, upon being informed in writing by the Treasurer of the amount actually paid to such Council, and that the remainder of the amount applied for is not required, shall proportionately, or as nearly so as may be, reduce each of such before-mentioned debentures by indorsing upon each a memorandum signed by himself, stating that such debenture is reduced by the amount to be stated in such memorandum.
18. Thereafter such debenture shall, for all purposes whatsoever, be deemed to be a debenture only for the sum which shall be the difference between the original sum for which it was given as aforesaid, and the sum by which it has been reduced as aforesaid.
18. If the Council applying for such aid is itself prepared to supply the one-fourth of the said cost of construction, then the Minister, upon being satisfied on that point, may, subject nevertheless to the other conditions imposed by this Act, forward his certificate as aforesaid for the three-fourths of the said cost of construction; and in respect of an application such as referred to in this section it shall not be necessary to take a poll as aforesaid, or levy a special rate.
19. If the Council is prepared to supply a portion of the one-fourth of the said cost of construction, then the amount of the total sum for which debentures have to be given, as provided by section *fourteen* hereof, shall be reduced by the amount of that portion of the said one-fourth cost which the Council shall itself so supply.

Council to deliver debentures for one-fourth of advance.

Upon delivery of debentures, Treasurer to pay over money subject to conditions.

Council may take up debentures before they are due.

If whole amount not required, debentures may be reduced by Controller and Auditor-General.

If Council will find one-fourth, Treasurer may pay over other three-fourths without poll, &c.

If Council will find portion of one-fourth, amount of debentures to be proportionately reduced.

PART II.

HOW FUNDS PROVIDED FOR DISTRICT ROADS AND RIVER WORKS.

20. 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-two*, the sum of *one hundred thousand* pounds shall, out of the moneys
- £100,000 of Public Works Fund to be transferred to District Roads and River Works Account.

at the credit of the Public Works Fund, be transferred to the credit of a separate account in the Public Works Fund to be called "The District Roads and River Works Account."

Treasurer may be empowered by Governor in Council to borrow £100,000 for District Roads, &c., Account.

21. The Governor in Council may, on the application of the Minister, authorize from time to time the Treasurer to borrow, and the Postmaster-General, 5 or the Government Insurance Commissioner, or any Board now or hereafter established in his place, or the Public Trustee, or the Commissioners of the Public Debts Sinking Fund, out of any funds under their control respectively, to lend to the Treasurer, any sum or sums not exceeding *one hundred thousand* pounds, which sum or sums so borrowed shall be paid into the Public Account, 10 to be placed to the credit of the said District Roads and River Works Account.

But at no one time shall there be advanced from all or any of the said sources more than *one hundred thousand* pounds.

Treasurer to give debentures for sums borrowed.

22. For all sums so borrowed the Treasurer shall give a debenture in the form or to the effect set forth in the *Second* Schedule hereto, to be signed by the 15 Treasurer and countersigned by the Controller and Auditor-General, for the repayment of the same on such date as may be arranged and stated in such debenture, with interest thereon at a rate not exceeding *five* pounds per centum per annum, payable on such days as may be arranged and stated in such debenture, which debenture shall entail no personal liability whatsoever on the 20 Treasurer or Controller and Auditor-General.

Treasurer may pay principal and interest on the debentures.

23. The Treasurer shall from time to time, without further appropriation, pay out of any moneys for the time being to the credit of the District Roads and River Works Account, to the persons entitled thereto, the principal and interest payable on any such debenture at the rate and on the days mentioned therein. 25

If funds insufficient payments may be made out of Consolidated Fund.

24. If at any time there are not sufficient funds in the District Roads and River Works Account to make such payments, the Treasurer shall, without further appropriation, advance the same out of the Consolidated Fund.

But he shall, without further appropriation, repay any such advances to the Consolidated Fund out of the District Roads and River Works Account so soon 30 as funds shall accrue therein.

Treasurer may repay debentures at any time.

25. The Treasurer may from time to time, without further appropriation, but subject nevertheless to the provisions of the second paragraph of the *last* preceding section, repay out of any moneys for the time being to the credit of the said District Roads and River Works Account the whole or any part of the 35 amount secured by any such debenture before the time fixed for the repayment of the same as aforesaid has arrived.

#### AS TO LOANS FOR DISTRICT ROADS AND RIVER WORKS.

How loans granted for district roads and river works.

26. When any local body desires to obtain an advance for or towards the construction of any district roads or river works within its jurisdiction, it shall make application for that purpose to the Minister, and all the provisions of sections *nine* to *seventeen* both inclusive shall, *mutatis mutandis*, apply to such application, with the following exceptions:— 40

- (1.) The whole of the payment by the Treasurer to the local body under this Part of this Act shall be repayable to Her Majesty. 45
- (2.) The special rate to be levied in such case shall be sufficient to pay fifteen equal yearly instalments, each of which shall be equal to *nine* pounds per centum on the whole amount applied for by the local body.
- (3.) The debentures to be given by the local body to the Treasurer shall each be for one such instalment. 50

687

## PART III.

## GENERAL PROVISIONS AFFECTING GRANTS-IN-AID AND ADVANCES.

27. All the debentures executed by Councils, Road Boards, or River Boards, and delivered to the Treasurer under this Act, shall be retained in the custody of the officers appointed to retain the custody of securities for public moneys by "The Public Revenues Act, 1878," in accordance with the provisions of that Act.
28. For the purpose of obtaining payment of any such debentures not paid at maturity thereof, the Controller and Auditor-General may from time to time make, in the name and on behalf of Her Majesty, application for the appointment of a receiver of the special rate on which any overdue debenture is secured, in the manner prescribed by "The Rating Act, 1882."
29. Any moneys which are received, either by the Treasurer or by a receiver as mentioned in the *last* preceding section, from any local body, in repayment of any moneys advanced to such local body by way of loan, shall be paid into the Public Account; to the credit of the Main Roads Account, if originally paid out of such account, or otherwise of the District Roads and River Works Account; and either applied in the repayment to the Consolidated Fund or to the debenture-holders of the moneys advanced in pursuance of sections *twenty-four* or *twenty-one* respectively hereof, or advanced again to local bodies in accordance with the provisions of this Act.
30. Where extraordinary damage has been done to a main road or any other road, or to any river works, by flood, tempest, or accident, the repairing of such damage shall be deemed to be construction.
31. When any bridge on a main road requires to be entirely rebuilt the Treasurer may, on the certificate of the Minister as aforesaid, advance out of the moneys for the time being to the credit of the Main Roads Account to the Council or Councils in whose county or counties such bridge is, the whole or any portion which it or they may apply for of the cost of the construction of the new bridge, upon the same terms and subject to the same conditions in all respects as advances are hereby authorized to be made for district roads:
- Provided that no certificate shall be given for the making of such advance, save under the *last* preceding section, unless the Minister is satisfied that the necessity for the rebuilding of such bridge has only arisen through fair wear and tear.
32. All applications under this Act made prior to the *first* day of *January*, one thousand eight hundred and eighty-*three*, shall be deemed to have been made simultaneously on that day.
33. All applications under this Act made in any year after this year shall be made prior to the *thirtieth* day of *June* in such year, and all so made shall be deemed to have been made simultaneously on that day.

As to custody of debentures given by local bodies.

Controller and Auditor-General may apply in name of Her Majesty for appointment of receiver.

How moneys received from local bodies dealt with.

Repairing of extraordinary damage deemed construction.

Rebuilding of bridge on main road deemed construction if necessity has arisen through fair wear and tear.

All applications made prior to 1st January, 1883, deemed to be made simultaneously on that day. In future years applications must be made prior to 30th June, and all so made deemed to be made simultaneously on that day.

Notwithstanding last two sections, all applications caused by extraordinary damage may be granted at any time.

Poll may be taken prior to sending in of application.

Provided that, if whole amount applied for not granted, new poll to be taken.

When application deemed to lapse.

Order in which Minister grants certificates.

Applications in cases of extraordinary damage to have priority.

Rates may be made in special portions of districts.

Grounds on which Minister may refuse certificate.

Refusal on one occasion not to preclude further application. Two or more local bodies may make joint application.

Local body may make application for works outside its district.

34. Notwithstanding the provisions of the *last two* preceding sections, all applications for aid in the construction of works, the necessity for which has arisen through extraordinary damage, or which are made under the proviso to section *forty-five* hereof, may be granted at any time in the year if there are funds available, and subject to the other provisions of this Act.

35. Notwithstanding the provisions of this Act, the poll of the ratepayers herein provided for may be taken prior to the time of the sending in of the application to the Minister:

Provided that if the amount to be granted shall be found to be less than that specified in the proposal on which the poll was taken, so that the whole of the proposed works cannot be executed, then the amount granted shall not be paid over unless another poll on the amended proposal be taken and carried.

36. All applications granted shall be deemed to have lapsed unless the poll be taken and the proposal carried, and debentures handed over within *three* months from the time of the forwarding by the Minister of the certificate referred to in the *thirteenth* section hereof.

37. If at any time there shall not be sufficient funds at the credit of either the Main Roads Account or the District Roads and River Works Account respectively to enable the Minister to grant certificates for grants as applied for to all the bodies who have applied for the same, the Minister shall grant certificates for grants, *pro rata*, out of each such account to the bodies who have so applied, and who shall be willing to comply with the conditions referred to in the next paragraph of this section, according to the amount at the credit of each of the said accounts respectively.

Before grants such as are referred to in the preceding portion of this section are made, the Minister may prescribe such conditions providing for the completion of some portion of the work for which the moneys were applied for as may be arranged between the Minister and the local body, and as may ensure that the expenditure of the portion only of the amount applied for which may then be able to be granted shall be beneficial.

38. 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 Minister shall be the sole judge as to the nature of the damage and the necessity for priority.

39. When it appears to any local body that any district road or river work is for the special benefit of any particular portion of the district in which such local body has jurisdiction, then such local body may, by a special resolution, define such portion of the district; and the poll above referred to shall only be taken of the ratepayers of such portion, and the said special rate shall only be levied on the ratepayers of such particular portion.

40. The Minister shall only refuse and shall refuse a certificate under this Act upon the ground that the applicants have not complied with the terms of this Act, or on the ground that there is no money then available.

41. A refusal on one occasion under the *last* preceding section shall not preclude further application at a future date.

42. Two or more local bodies may make a joint application for aid under this Act for the construction of a road of which there are portions in each or any one or more of their districts, provided they agree as to how the advance and also the special rate to secure its repayment shall be apportioned.

43. Any local body may make an application for aid under this Act for the construction of a road or of river works of which either the whole or any part is out of the district of such local body; but the Minister, before granting a certificate

5

10

15

20

25

30

35

40

45

50



68E

for such application, shall satisfy himself that the local body so applying has made the necessary arrangements with the local body or bodies in whose district or districts such road or river works is or are situate for the construction of such road or of such river works.

5 44. Any one or more local bodies may make one application in respect of several roads or works.

One application may be made for several works.

45. If the moneys granted on any one application shall be found to be insufficient to complete the work in respect of which the application was made, another application may be made hereunder for the further amount required :

Conditions on which applications may be made for further advance for same work.

10 Provided that if the amount so required be not greater than five pounds per centum of the amount originally applied for, and if the necessity for such further expenditure has, in the opinion of the Minister, arisen from some accident or unforeseen cause, not occasioned by the neglect or default of the local body who applied for the advance, such further application may be granted, 15 a further special rate may be made and levied, the debentures for the further amount may be executed and delivered, and the amount paid over, without the necessity of taking a poll of the ratepayers.

20 46. If any local body which has obtained money under this Act for the construction of a road or river work applies or suffers such money or any part thereof to be applied to any other purpose, or applies or suffers to be applied 25 any moneys received in respect of a special rate otherwise than in payment of the debentures in respect of which such special rate was levied, except when such debentures are fully paid, all such moneys so improperly applied shall be deemed to be a debt jointly and severally due to the Crown from each and all 30 of the members of the local body who consented to such improper application and may be recovered from such members, or any one or more of them, in any Court of competent jurisdiction in accordance with the provisions of "The Crown Suits Act, 1881"; without prejudice, nevertheless, to all other rights and remedies under this Act for the payment of the debentures given by such local body in accordance with this Act.

Members of local body personally liable for improper dealings with money.

35 47. The Minister and the Treasurer shall every year lay before the General Assembly, within fourteen days after the first day of meeting thereof, a report of all matters done under this Act, showing what applications have been made to the Minister under this Act, and for which of them he has granted and to which 40 he has refused his certificate as aforesaid, and also showing what sums have been borrowed by the Treasurer, and what sums have been granted or advanced, or refused, or failed to be granted or advanced by the Treasurer, and to what local bodies, and for what purposes.

Minister and Treasurer to report yearly to General Assembly.

40 AS TO THE POLL OF THE RATEPAYERS.

45 48. When a local body has applied for aid under this Act, and the Minister has granted his certificate to such application, unless such application be within the terms of the *eighteenth* section hereof, 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—

Notice to be given by local body applying for aid.

- (1.) The particular work proposed to be undertaken, and the estimated cost thereof ;
- (2.) The amount of the yearly payments required to be made by such local body, and the amount of the special rate required to meet them ;
- 50 (3.) That the plans, specifications, and detailed estimates of the cost of such proposed work may be seen at the office of such local body during ordinary business hours ;

How poll taken.

(4.) The day on which the poll is to be taken, which shall not be less than one week from the publication of the last of such notifications.

49. The poll shall be taken as follows :—

(1.) The Chairman shall give seven days notice in writing to the Returning Officer of the local body, requiring him to take the poll upon the day appointed. 5

(2.) The Returning 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; and all expenses of and attending the taking of such poll shall be borne by the local body. 10

(3.) The voting papers shall be printed in the form in the *Third* Schedule hereto, setting forth the notification mentioned in the *forty-eighth* section hereof. 15

(4.) 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. 15

(5.) 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 Act otherwise provided, apply to the taking a poll on the proposal mentioned in the said notification. 20

Result of poll, how declared.

50. As soon as conveniently may be after the result of the poll has been ascertained, the Returning Officer shall give public notice of the number of votes recorded for and against the proposal as above provided, and shall declare the proposal to be carried if, of those ratepayers who voted, a majority in number voted for it, if the rateable values of the properties in respect of which they are rated as appearing on the valuation rolls of such local body are collectively greater than such rateable values of those voting against the proposal; otherwise he shall declare it to be rejected. 25

Returning Officer to forward certificate of result to Minister.

51. The Returning Officer shall, immediately after such declaration, forward to the Minister, through the post, a certificate of the result of the poll. 30

How notice of poll dispensed with where ratepayers do not exceed one hundred.

52. In the case of any local body applying for aid under this Act, the ratepayers of the district of which do not exceed one hundred in number, it shall be lawful for a special rate under this Act to be made without giving the notification mentioned in section *forty-eight* hereof, or taking the poll mentioned in section *forty-nine* hereof, if the consent of at least three-fourths of such ratepayers, the rateable values of whose properties as appearing on the valuation rolls of such local body are collectively greater than such rateable values of those ratepayers who do not so consent to the levying of such special rate, be testified by their signatures in writing, in such manner as the Minister shall direct, and to his satisfaction in all respects. 35 40

Special rate, how made.

AS TO MAKING A SPECIAL RATE.

53. The local body shall, for the purposes of this Act, make a special rate at a meeting of the local body specially called for the purpose, which shall be an annually recurring rate, and shall be payable yearly, on the *first* day of *March* in each year, the first payment thereof being made payable on the next first day of *March* ensuing the making thereof, and shall be levied year by year without further proceedings by the local body until the loan in respect of which such special rate was made is paid off. 45 50

Amount of special rate, when increased or diminished.

54. The local body shall from time to time, on the written request of the Controller and Auditor-General, amend a special rate by increasing the same if

*688 686*

necessary, so that the annual produce thereof shall suffice to provide the yearly payments on account of the loan secured therein.

55. The local body may from time to time amend a special rate by diminishing the same, provided the annual produce thereof shall suffice to provide the 5 yearly payments on account of the loan secured thereby.

Amount of special rate when diminished.

But no special rate shall be diminished without the written consent of the Controller and Auditor-General, and then only for so long a period as he shall approve.

56. No special rate under this Act shall be capable of being quashed by any 10 proceedings in any Court or otherwise.

No special rate capable of being quashed.

57. All the provisions of "The Rating Act, 1882," not inconsistent with this Act, shall, as far as applicable, apply to a special rate under this Act; and the references in this Act to "The Rating Act, 1882," shall be construed to mean the Act passed by that name, whether the same be passed or come into 15 operation after the passing of this Act or not.

"Rating Act, 1882," to apply, and references to same how construed.

In the case of any such rates requiring to be made prior to the *thirty-first* day of *March*, one thousand eight hundred and eighty-three, "The Rating Act, 1876," shall apply until the provisions of "The Rating Act, 1882," have become applicable.

20 58. Notwithstanding the provisions of this Act, in any case where a special rate is made hereunder, which is leviable over the whole of the district of the local body making the same, if the local body prefers to do so, it may pay out of its ordinary revenue any one or more of the debentures given by it hereunder, and which are secured on such special rate; and as to any year in which 25 such local body shall so pay such debentures, it may abstain from levying the said special rate, but without prejudice to all rights of levying the same in future years if the debentures be not so paid as in this section referred to.

If local body pay debentures out of ordinary revenue, they need not collect special rate in certain cases.

59. The provisions of the *last* preceding section shall, *mutatis mutandis*, 30 apply to authorize payments of debentures issued by local bodies under this Act out of any separate rate levied under "The Roads Boards Act, 1882," or "The Counties Act 1876 Amendment Act, 1882," where the portion of the county or road district over which the special rate under this Act is levied is co-terminous with the portion of the county or road district in which the separate rate is levied as aforesaid.

Provisions of last section apply where separate rate levied over district coterminous with that in which special rate levied.

35

PART IV.

AS TO ROADS ON UNSOLD CROWN LANDS.

60. There shall in each financial year be expended, in accordance with appropriation by Parliament, in the construction of roads to open up Crown lands about to be offered for sale, an amount equal to twenty pounds for every 40 hundred pounds received from the sale of Crown lands sold for cash in the preceding financial year.

20 per cent. of proceeds of land sold in preceding year applied as appropriated in making roads next year on unsold lands.

61. The Minister of Lands, in accordance with such appropriation, may enter into, or authorize the entering into by local bodies, of contracts for the construction of such roads as are provided for in this Part of this Act, to an 45 extent not exceeding the amount mentioned in the preceding section.

Minister may contract for construction or authorize local bodies to contract, and Treasurer shall pay 20 per cent. on direction of Minister of Lands.

Schedules.

## SCHEDULES.

## FIRST SCHEDULE.

FORM OF DEBENTURE TO BE GIVEN BY LOCAL BODIES.

[Name of local body.]

Debenture for £ , issued under "The Roads and Bridges Construction Act, 1882."

ON presentation of this debenture at the office of [Here state name of local body], on the day of , 18 , the said [Here repeat name of local body] will pay to the bearer hereof, for the purpose of paying into the Public Account of the colony, to be credited to [Here state name of account under above Act into which moneys payable under Act], the sum of [Herein state amount payable in words].

Issued under the corporate seal of [Here state name of local body], this day of , 18 .

(L.S.) Chairman.

Witness to signature of Chairman, and affixing of seal—

A.B.,

[Occupation and Address].

## SECOND SCHEDULE.

FORM OF DEBENTURE TO BE GIVEN BY COLONIAL TREASURER, UNDER THE TWENTY-SECOND SECTION OF "THE ROADS AND BRIDGES CONSTRUCTION ACT, 1882."

ON the day of , 18 , or such earlier date as the Colonial Treasurer shall think fit, the Colonial Treasurer will pay to [Here state official name of officer from whom money borrowed] the sum of £ ; and will also, on the day of the months of and in each year, while the above-mentioned sum or any part thereof shall remain unpaid, pay to the said [Here repeat official name of officer from whom money borrowed] interest on the said sum of £ , or so much thereof as shall for the time being remain unpaid, at the rate of £ per centum per annum.

The Colonial Treasurer may also repay the said sum of £ by instalments of not less than £ from time to time at any time or times prior to the said day of , 18 .

Colonial Treasurer.

Countersigned :

Controller and Auditor General.

## THIRD SCHEDULE.

FORM OF VOTING-PAPER FOR SPECIAL RATES.

"The Roads and Bridges Construction Act, 1882."

PROPOSAL to levy a special rate, upon which a poll will be taken on the day of , 18 . [Insert the notice referred to in the forty-eighth section of this Act.]

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