

Hon. Mr. Coates.

## MAIN HIGHWAYS.

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### A BILL INTITULED

AN ACT to make Provision for the Construction, Reconstruction, Maintenance, and Control of Main Highways. Title.

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

1. This Act may be cited as the Main Highways Act, 1921, and shall come into force on the first day of April, nineteen hundred and twenty-two. Short Title and commencement.

10 2. In this Act—  
“Board” means the Main Highways Board under this Act;  
“Main highway” means a main highway declared as such by the Governor-General in Council pursuant to this Act;  
“Minister” means the Minister of Public Works. Interpretation.

15 *Main Highways.*  
3. (1.) The Governor-General may from time to time, by Order in Council published in the *Gazette*, declare any public highway, whether then actually constructed or not, to be a main highway within the meaning and for the purposes of this Act, and shall by the same or a  
20 subsequent Order in Council define the lines of such main highway. Governor-General may declare main highways.

(2.) In so defining the lines of any main highway the Governor-General shall not be constrained to accept the lines of any existing public highway.

(3.) Every Order in Council under this section may in like manner from time to time be varied or altered for the purpose of correcting errors or of effecting any deviation in the lines of any main highway to which it relates. 5

(4.) Every Order in Council under this section declaring any public highway to be a main highway shall come into force on a date to be fixed in that behalf by the Governor-General in Council either in that Order or in a subsequent Order. 10

Main highways to include bridges, &c.

4. Every reference herein to a main highway shall, as the context may require, include the land on which such highway exists, and shall also include all bridges, culverts, ferries, fords, or other structures forming part of such highway or land. 15

Main highways to be Government roads within the meaning of the Public Works Act, 1908.

5. Every main highway under this Act shall, as from the date on which it becomes a main highway, be a Government road within the meaning of the Public Works Act, 1908, and the provisions of that Act relating to Government roads shall thereupon, save as otherwise provided in this Act, apply thereto accordingly. 20

#### *Main Highways Board.*

Constitution of Main Highways Board.

6. (1.) There is hereby established for the purposes of this Act a Board, to be known as the Main Highways Board.

(2.) The Board shall be a body corporate with perpetual succession and a common seal, and shall be capable of holding real and personal property and of doing and suffering all that bodies corporate may do and suffer. 25

(3.) The Board shall consist of—

(a.) The Engineer-in-Chief of the Public Works Department, who shall be the Chairman of the Board; 30

(b.) Two other engineers, being officers of the Public Works Department, to be appointed by the Governor-General, and to hold office during his pleasure; and

(c.) Two other persons, to be appointed by the Governor-General on the recommendation of the Minister, and to hold office during the pleasure of the Governor-General. 35

(4.) The Governor-General may, on the recommendation of the Minister, appoint any person or persons as an acting member or as acting members of the Board, to act, pursuant to the terms of their appointment, in the event of the absence of any member from any meeting of the Board. 40

(5.) The fact that any person appointed as an acting member of the Board attends and acts at any meeting thereof shall be conclusive evidence of his authority so to do.

(6.) In the absence of the Chairman from any meeting of the Board the members present shall appoint one of their number to be the chairman of that meeting. 45

(7.) Three members shall form a quorum at any meeting of the Board.

(8.) The Chairman shall have a deliberative vote, and, in case of an equality of votes, shall also have a casting vote. 50

7. (1.) The Board shall have the sole powers of construction, reconstruction, improvement, maintenance, repair, and control of all main highways under this Act,\* and for that purpose the powers, rights, duties, and liabilities vested in or imposed upon the Governor-General or the Minister of Public Works by the Public Works Act, 1908, with respect to Government roads, are, with respect to main highways, hereby transferred from the Governor-General or the Minister, as the case may be, and vested in and imposed upon the Main Highways Board.

Powers and duties of Boards with respect to main highways.

(2.) In the exercise of its functions with respect to any main highway, the Board may hire from any local authority any road-making machinery, plant, equipment, and appliances, or may agree with any local authority that any work of construction, reconstruction, improvement, maintenance, or repair of a main highway shall be carried out by that local authority for and on behalf of the Board, and any such local authority is hereby empowered to hire out any such machinery, plant, equipment, or appliances or to carry out any such work in accordance with the terms of the agreement.

8. (1.) The members of the Board (if any) who are not officers employed in the service of the Crown shall be paid such fees and allowances as may from time to time be prescribed in that behalf.

Travelling expenses and allowances of members.

(2.) There shall be refunded to every member of the Board the expenses reasonably incurred and actually paid by him in going to or returning from any meeting of the Board or of any committee thereof of which he is a member, or any such expenses otherwise incurred in connection with the business of the Board.

#### Main Highways Accounts.

9. There shall be a special account in the Public Account to be called the Main Highways Revenue Account (hereinafter referred to as the Revenue Account) and another such account to be called the Main Highways Construction Account (hereinafter referred to as the Construction Account).

Main Highways Revenue Account and Construction Account.

10. There shall be paid into the Revenue Account—

Moneys payable into Revenue Account.

(a.) All moneys appropriated by Parliament out of the Consolidated Fund for the purposes of main highways :

(b.) All moneys received by the Crown under any Act as Customs duties on motor-tires :

(c.) All moneys received by the Crown under any Act in respect of the licensing of motor-vehicles :

(d.) All other moneys lawfully payable into the said account.

11. There shall be payable out of the Revenue Account, as may from time to time be appropriated by Parliament,—

Moneys payable out of Revenue Account.

(a.) All moneys payable by the Crown in respect of the maintenance, repair, and control of main highways :

(b.) All compensation payable by the Crown under the Workers' Compensation Act, 1908, for accidents arising in respect of any main highway :

(c.) The cost of the purchase or hire of machinery, plant, equipment, and appliances required for the purposes of main highways :

- (d.) All expenses in connection with the operation of the Main Highways Board, and generally all other expenses lawfully payable by the Crown in respect of the administration of this Act, not being moneys payable out of the Construction Account. 5
- Moneys payable into Construction Account.
12. There shall be paid into the Construction Account,—
- (a.) All moneys borrowed by the Minister of Finance pursuant to any lawful authority for the purposes of main highways :
- (b.) All moneys appropriated by Parliament out of the Public Works Fund for the purposes of main highways : 10
- (c.) All moneys lawfully transferred from the Revenue Account to the Construction Account pursuant to the provisions of this Act in that behalf.
- Moneys payable out of Construction Account.
13. There shall be payable out of the Construction Account, as may from time to time be appropriated by Parliament,— 15
- (a.) All moneys payable by the Crown in respect of the construction or reconstruction of main highways ; and
- (b.) All compensation payable by the Crown under the Public Works Act, 1908, in respect of the acquisition of land for or in connection with any main highway. 20
- Disputes as to accounts to be settled by Audit Office.
14. Any question that arises as to the payment of any moneys out of the Revenue Account or the Construction Account shall be referred to the Audit Office, whose determination shall be final and conclusive.
- Annual report.
15. (1.) The Board shall in April of each year, or as soon thereafter as practicable, prepare and submit to the Minister a report setting forth with proper particularity the operations under this Act for the year ending on the thirty-first day of March then last past. 25
- (2.) Every such report shall be laid before Parliament within one month after its receipt by the Minister if Parliament is then sitting, and, 30 if not, then within one month after the commencement of the next ensuing session.

#### *Regulations.*

- Regulations.
16. The Governor-General may from time to time make such regulations, not inconsistent with this Act, as he deems necessary or convenient for the purpose of enabling this Act to be carried into full effect. 35