

Hon. Mr. Herries.

HUTT ROAD.

ANALYSIS.

Title.

- | | |
|--|---|
| <p>1. Short Title.
 2. Road to be under control of City Council.
 3. Maintenance of road to be borne by certain local authorities. Appeal. Recovery of contribution. Contribution, how raised.</p> | <p>4. Contributions towards construction of the road.
 5. Repeals. Schedules.</p> |
|--|---|

A BILL INTITULED

AN ACT to make Provision for the Maintenance and Cost of Title.
 Construction of the Hutt Road, Wellington.

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

1. This Act may be cited as the Hutt Road Act, 1915.

2. The highway constructed under the Hutt Railway and Road
 Improvement Act, 1903, and therein termed "the new Hutt Road"
 10 (in this Act referred to as the Hutt Road), as the same is shown on
 the plan marked S.O. 223/1 to 11, deposited in the office of the Chief
 Surveyor, at Wellington, shall be under the control of the Council of
 the City of Wellington (hereinafter referred to as the Council), and all
 the provisions of the Municipal Corporations Act, 1908, shall extend
 15 and apply thereto as if such road were a street within the City of
 Wellington.

Short Title.

Road to be under
 control of City
 Council.

3. (1.) The local authorities named in the *First* Schedule
 hereto shall contribute to the cost of the maintenance of the Hutt
 Road in accordance with the provisions of this section.

Maintenance of
 road to be borne by
 certain local
 authorities.

20 (2.) The Council shall in every financial year make an estimate
 of the amount of its expenditure in maintaining the said road during
 that financial year. The first estimate shall be made as soon as may
 be after the passing of this Act, and shall include all moneys ex-
 25 pended by the Council in maintaining the Hutt Road since the first
 day of October, nineteen hundred and *fourteen*.

(3.) Subsequent estimates shall be made in the month of April,
 or as soon thereafter as may be.

(4.) Any subsequent estimate may include the amount of any
 deficiency during the preceding or any former year, and the amount
 30 of the deficiency so included shall be deemed to form part of the
 expenditure of the Council under this Act in the year in which the
 estimate is made.

(5.) The amount estimated as aforesaid shall be apportioned
 by the Council among the contributory local authorities in the
 35 respective proportions mentioned in the said *First* Schedule.

(6.) Not less than fourteen days before making such apportionment the Council shall send to each contributory local authority a statement in writing setting forth—

(a.) Details of the estimated expenditure ; and

(b.) The amount which each contributory local authority will be required to contribute. 5

Appeal.

(7.) If any contributory local authority (other than the Council) considers that the estimated expenditure is excessive, or that the apportionment of that expenditure is not in accordance with this Act, it may appeal to the Minister of Public Works by sending him a copy of any resolution expressing the dissent of the local authority and the reasons therefor. 10

(8.) If, in any such case, the said Minister is of opinion that there is reasonable ground for further inquiry, he may direct an inquiry to be made by some fit person to be appointed for this purpose by the Minister. 15

(9.) The person so appointed shall have all the powers of a Commissioner under the Commissions of Inquiry Act, 1908 (other than powers as to costs), and shall report to the Minister his opinion as to the matter of the appeal. 20

(10.) The said Minister shall thereupon, after taking into consideration the report of the Commissioner, give such decision in the appeal as he thinks fit, whether in accordance with such report or not, and shall give notice of his decision to the contributory local authority and to the Council ; and the decision so given and notified shall be final and conclusive. 25

(11.) The costs of any such inquiry as fixed by the Minister shall be paid either by the appellant local authority or by the Council, or partly by the local authority and partly by the Council, as the Minister determines, and all sums so directed to be paid shall constitute a debt recoverable in any Court of competent jurisdiction by the several persons to whom they are payable in accordance with the Minister's determination. 30

(12.) If any such appeal is successful, the Council shall thereupon make an amended estimate or apportionment in accordance with the Minister's decision, and any such amended estimate or apportionment shall be deemed to be substituted for the estimate or apportionment appealed against, and shall take effect accordingly. 35

Recovery of contribution.

(13.) The amount apportioned as aforesaid to any contributory local authority other than the Council shall constitute a debt payable by the corporation of that local authority to the Council on the day fixed by the Council for the payment thereof, and may be recovered by the Council in any Court of competent jurisdiction. 40

(14.) If any contributory local authority other than the Council fails to pay the required contribution or any part thereof the Minister of Finance may, on the application of the Council, deduct from the subsidies payable to that local authority under any Act a sum equal to the amount in payment of which default is made, and may pay the same to the Council in satisfaction of such amount. 45

Contribution, how raised.

(15.) Every contributory local authority may pay the contribution for which it is liable out of its ordinary funds, or may, if it thinks fit, in addition to its other rating-powers, raise the required amount by a rate to be made and levied for that purpose. 50

Contributions
towards
construction of the
road.

4. (1.) Towards the cost of forming and constructing the Hutt Road there shall be payable by each of the local authorities mentioned in the *Second* Schedule hereto the sum set opposite its name in the said Schedule, and the said sum is hereby declared to be a
5 debt due to the Crown by that local authority.

(2.) For the purposes of this section each of the said local authorities may issue debentures to the Minister of Finance for the amount payable by it as aforesaid, or for such portion thereof as it thinks fit.

10 (3.) The debentures to be so issued shall have a currency of *fifty* years from the first day of April, nineteen hundred and *fifteen*, but may be redeemed at any time before the expiration of the said period, and interest thereon at the rate of *three and three-quarters per*
15 *centum* per annum shall be payable in Wellington on the last days of September and March in each year during the currency of the debentures.

(4.) A sinking fund of one per centum per annum shall be provided for the redemption of debentures issued by a local authority under this Act, and shall be paid to the Public Trustee as Com-
20 missioner of the sinking fund; and the provisions of section eighty-two of the Local Bodies' Loans Act, 1913 (relating to sinking funds in the case of State-guaranteed loans), shall, except so far as may be otherwise herein provided, apply to sinking funds under this section.

(5.) Debentures issued under this section shall be accepted by
25 the Minister in satisfaction of the amount payable under this section by the local authority which issued the debentures, or of so much thereof as is represented by such debentures.

(6.) If any of the said local authorities fails on or before the first day of April, nineteen hundred and *sixteen*, to make the payment
30 required of it by this section or to issue to the said Minister debentures as aforesaid, or at any time makes default in payment of any sum accrued due under any such debenture, the Minister may, by writing under his hand, appoint the Valuer-General, or such other
35 person as the Minister thinks fit, as Receiver with power from time to time to make and levy within the district of the defaulting local authority a rate on all the rateable property in the district of an amount equal to the amount that would have been required to pay the interest and sinking-fund charges if the local authority had issued debentures pursuant to this section, together with the
40 costs of such proceedings; and every such rate shall be made and levied and shall be recoverable in the same manner as if it had been made and levied by the local authority under the Rating Act, 1908.

(7.) All moneys paid to the Crown by any local authority under this section (whether as interest on or in redemption of debentures or
45 otherwise), shall be paid into the Public Account to the credit of the Public Works Fund.

5. Sections eight, nine, and twelve of the Hutt Railway and Road Improvement Act, 1903, and the Hutt Railway and Road Amendment Act, 1911, are hereby repealed.

Repeals.

Schedules.

SCHEDULES.

FIRST SCHEDULE.

Local Authorities.		Proportion of Maintenance Expenditure to be borne.	
Wellington City Council	... ..	... 38	per cent.
Onslow Borough Council	... ..	... 6	"
Petone Borough Council	... ..	... 18	"
Lower Hutt Borough Council	... ..	... 14	"
Eastbourne Borough Council	... ..	... 0½	"
Miramar Borough Council	... ..	... 0½	"
Hutt County Council	... ..	... 8	"
Makara County Council	... ..	... 12	"
Johnsonville Town Board	... ..	... 2	"
Upper Hutt Town Board	... ..	... 1½	"

SECOND SCHEDULE.

Local Authorities.		Amount to be accepted.	
		£	
Wellington City Council	... ..	... 22,800	
Onslow Borough Council	... ..	... 3,600	
Petone Borough Council	... ..	... 10,800	
Lower Hutt Borough Council	... ..	... 8,400	
Eastbourne Borough Council	... ..	... 300	
Miramar Borough Council	... ..	... 150	
Hutt County Council	... ..	... 4,800	
Makara County Council	... ..	... 7,200	
Johnsonville Town Board	... ..	... 1,200	
Upper Hutt Town Board	... ..	... 750	