

This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and, having this day passed as now printed, is transmitted to the LEGISLATIVE COUNCIL for its concurrence.

House of Representatives.

22nd September, 1915.

Hon. Mr. Herries.

HUTT ROAD.

ANALYSIS.

<p>Title.</p> <p>1. Short Title.</p> <p>2. Interpretation.</p> <p style="padding-left: 40px;"><i>Cost of Construction of Hutt Road.</i></p> <p>3. Contributions by local authorities towards cost of construction of Hutt Road.</p> <p style="padding-left: 40px;"><i>Hutt Road Board of Control.</i></p> <p>4. Hutt Road Board of control constituted.</p> <p style="padding-left: 40px;"><i>Maintenance of Hutt Road.</i></p> <p>5. Hutt Road vested in Wellington City Council. City Council to have powers of control, management, &c.</p>	<p>6. Local authorities to contribute in fixed proportions to cost of maintenance of Hutt Road.</p> <p style="padding-left: 40px;"><i>General.</i></p> <p>7. General provisions as to exercise by Valuer-General of rating-powers under this Act.</p> <p>8. Minister of Finance may make deductions from subsidies payable to local authorities making default under this Act.</p> <p style="padding-left: 40px;"><i>Repeals.</i></p> <p>9. Repeals. Schedules.</p>
--	---

A BILL INTITULED

AN Act to make Provision for the Cost of Construction and for the Maintenance of the Hutt Road. 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 Hutt Road Act, 1915. Short Title.

2. In this Act the term "the Hutt Road" means the road or street constructed by the Minister of Railways under section four of the Hutt Railway and Road Improvement Act, 1903, and in that Act referred to as "the new 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. Interpretation

Cost of Construction of Hutt Road.

3. (1.) Towards the cost of forming and constructing the Hutt Road there shall be payable by each of the local authorities mentioned in the *First* Schedule hereto the sum set opposite the name of the local authority in the said Schedule, and the said sum is hereby declared to be a debt due to the Crown by that local authority, and may be recovered accordingly. Contributions by local authorities towards cost of construction of Hutt Road.

(2.) Each of the said local authorities is hereby authorized to issue to the Minister of Finance debentures for the amount payable by it as aforesaid, or for such portion of that amount as the local authority thinks fit, and the said Minister is hereby authorized to accept such debentures in satisfaction of the amount so payable by the local authority or of such portion thereof as is represented by the debentures.

(3.) The issue of debentures by a local authority under this section shall be deemed to be the raising of a special loan under paragraph (d) of section sixteen of the Local Bodies' Loans Act, 1913, and, except as hereinafter otherwise provided, the provisions of that Act, in so far as they relate to loans under the said paragraph, shall extend and apply to the issue of debentures under this section :

Provided that the determination of the local authority to issue debentures may be expressed by resolution, and a special order, as required in the case of loans raised under the said section sixteen, shall not be necessary.

(4.) Debentures issued under this section shall be in a form to be approved by the Minister, and shall have a currency of fifty years from the first day of April, nineteen hundred and *sixteen*, and interest on such debentures at the rate of *four* per 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.

(5.) A sinking fund of not less than one per centum per annum shall be provided by the local authority for the redemption of debentures issued by it under this section, and shall be paid to the Public Trustee as the Commissioner of the sinking fund.

(6.) Notwithstanding anything in subsection *four* hereof, any debentures issued under this section may be redeemed by the local authority at any time before the expiry of the term of such debentures, either out of moneys in the general fund of the local authority or out of moneys to be raised for the purpose by the local authority by way of special loan, or out of the sinking fund provided for under the *last preceding* subsection, if the sinking fund is sufficient for the redemption of all outstanding debentures. The determination of the local authority to redeem any such debentures as aforesaid may be expressed by resolution.

(7.) For the purpose of paying the interest and sinking fund in respect of debentures issued under this section the local authority shall make and levy a special rate on all rateable property within its district :

Provided that the local authority may by resolution decide to pay such interest and sinking fund or any part thereof out of its general fund, and to the extent to which payment is so made it shall not be necessary for the local authority to collect the special rate.

(8.) If any of the said local authorities fails, on or before the first day of April, nineteen hundred and *sixteen*, to pay the amount payable by it under this section, or to issue debentures in satisfaction of such amount, or, having paid part of such amount, fails on or before the said date to issue debentures for the residue of that amount, the Minister of Finance may, by writing under his hand, appoint the Valuer-General as Receiver, with power from time to time to make and levy a rate on all the rateable property within the district of the defaulting local authority.

(9.) Every rate levied under the *last preceding* subsection shall be an annually recurring rate, and shall be so calculated as to yield in each year not less than ten per centum more than the annual or other charges that would have been payable as interest and sinking fund if the local authority had issued debentures pursuant to this section.

(10.) All moneys received in any year by the Valuer-General as Receiver under this section shall be applied as follows:—

(a.) In payment to the Consolidated Fund of an amount equal to the amount that would have been payable as interest for that year (together with any amount outstanding as interest in respect of any preceding year), if the local authority had issued debentures under this section :

Provided that for the purposes of this paragraph interest shall be computed at the rate of *five* per centum per annum instead of *four* per centum per annum.

(b.) In payment to the Public Trustee, to be held and invested as a sinking fund in respect of the capital amount owing by the local authority, of an amount equal to the amount that would have been payable as sinking fund for that year (together with any amount outstanding as sinking fund in respect of any preceding year) if the local authority had issued debentures under this section ;

(c.) In payment of all expenses incident to the making, levying, collecting, and recovery of the rate ; and

(d.) The balance, if any, shall be paid into the general fund of the local authority in whose district the rate was levied.

(11.) All moneys paid to the Crown by a local authority under this section, whether in payment of the capital amount payable by it in respect of the construction of the Hutt Road or in redemption of debentures issued in respect of such amount, shall be paid into the Wellington-Hutt Railway and Road Improvement Account, constituted under section six of the Hutt Railway and Road Improvement Act, 1903, to be applied in the manner provided by that section, and all moneys payable as interest in respect of such debentures shall be paid into the Public Account to the credit of the Consolidated Fund.

(12.) Where any local authority that has paid the amount of its contribution under this Act in respect of the construction of the Hutt Road, or has issued debentures for such amount as hereinbefore provided, thereafter becomes entitled under section ten of the Hutt Railway and Road Improvement Act, 1903, to the proceeds of the disposal of any land under that section the amount of such proceeds shall be paid by the Minister of Finance into the general fund of the local authority.

Hutt Road Board of Control.

4. (1.) For the purposes of this Act there is hereby established a Board of Control, to be known as the Hutt Road Board of Control (hereinafter referred to as the Board). Hutt Road Board control constituted

(2.) The Board shall consist of seven members, namely:—

(a.) The Mayor for the time being of the City of Wellington, and the Mayors for the time being of the Boroughs of Petone, Hutt, and Onslow ;

(b.) The Chairmen for the time being of the Counties of Makara and Hutt ; and

(c.) One member (being a member of the Eastbourne Borough Council, the Miramar Borough Council, the Johnsonville Town Board, or the Upper Hutt Town Board) to be from time to time appointed in writing under the hands of the Mayors for the time being of the Boroughs of Eastbourne and Miramar and the Chairmen for the

time being of the Johnsonville Town Board and the Upper Hutt Town Board.

(3.) The first member to be appointed under paragraph (c) of the *last preceding* subsection shall be appointed as soon as practicable after the passing of this Act, and shall continue in office until the first day of June, nineteen hundred and *seventeen*, or until his successor comes into office, but shall be capable of being reappointed. 5

(4.) If no such member is appointed within two months after the passing of this Act, the Governor may by warrant under his hand appoint such member. 10

(5.) The Board shall be deemed to come into existence on the date of the first appointment of a member under this section.

(6.) In the month of May, nineteen hundred and *seventeen*, and in the same month in every second year thereafter, the persons entitled to make an appointment under paragraph (c) of subsection *two* hereof shall make such appointment, and the member so appointed shall come into office on the first day of June following the date of his appointment, and shall hold office until his successor comes into office, but shall be capable of being reappointed. 15

(7.) If any member of the Board ceases to hold office as the Mayor or Chairman, or as a member of any of the local authorities mentioned in subsection *two* hereof, he shall also thereupon cease to be a member of the Board. If an appointed member ceases to be a member of the Board, the persons entitled to appoint a member may appoint any qualified person in his stead, who shall hold office for the residue of the term of his predecessor in office. 20

(8.) The validity or legality of acts done by the Board without knowledge that a member of the Board appointed under this section was not qualified to be appointed or to continue in office shall not be affected by reason of that fact nor shall the validity or legality of any acts of the Board be affected by reason of the fact that, after the coming into existence of the Board, any member had vacated his seat and his successor had not come into office. 30

(9.) The Mayor of Wellington shall be the Chairman of the Board, and shall have a deliberative vote, and in any case in which the votes are equal shall have a casting vote also. 35

(10.) The Town Clerk of the Wellington City Council shall be the Clerk of the Board.

(11.) The Clerk may convene a meeting of the Board whenever necessary so to do, and shall convene a meeting whenever so required in writing by any member of the Board. 40

(12.) At every meeting of the Board four members shall form a quorum.

(13.) The proceedings of the Board shall be governed by such rules, not inconsistent with this Act, as the Board may from time to time make in that behalf. 45

(14.) All expenses reasonably incurred by the Board in the exercise of its functions under this Act, including expenses incurred in obtaining legal or other expert advice as to matters connected with the maintenance of the Hutt Road, and also including travelling-expenses actually incurred by members of the Board in connection with the business of the Board, shall be paid by the Council, and shall be deemed to be expenditure incurred by the Council in connection with the maintenance of the Hutt Road. 50

Maintenance of Hutt Road.

5. (1.) The Hutt Road is hereby declared to be vested in fee-simple in the Corporation of the City of Wellington, as if the said road were a street situated within the said city.

Hutt Road vested in Wellington City Council.

5 (2.) The Wellington City Council (in this Act referred to as the Council) shall, in respect of the said road, have all the powers conferred on a Borough Council by the Municipal Corporations Act, 1908, with respect to streets situated within the borough, and shall have such additional powers in respect of the said road as are conferred on local authorities by sections one hundred and thirty-nine and one hundred and forty of the Public Works Act, 1908, with respect to roads under their control :

City Council to have powers of control, management, &c.

15 Provided that any by-laws made by the Council with reference either generally or specially to the Hutt Road shall not apply thereto unless and until they have been approved by the Board.

6. (1.) The local authorities mentioned in the *Second* Schedule hereto shall contribute in the manner hereinafter set forth to the cost of the maintenance of the Hutt Road by the Council.

Local authorities to contribute in fixed proportions to cost of maintenance of Hutt Road.

20 (2.) The Council shall, as soon as possible after the passing of this Act, make an estimate of the amount of its expenditure in maintaining the said road during the financial year ending on the thirty-first day of March, nineteen hundred and *sixteen*, and shall in such estimate include all moneys expended by it in maintaining the Hutt Road since the first day of October, nineteen hundred and 25 *fourteen*.

(3.) Subsequent estimates of the amount of its expenditure for any financial year ending on the thirty-first day of March shall be made in the month of April of that year, or as soon thereafter as practicable, and any such estimate shall include the amount (if any) 30 actually expended by the Council during the preceding year in excess of the estimated expenditure for that year, and the amount so included shall, subject to the approval of the Board as hereinafter provided, be deemed to form part of the expenditure of the Council in maintaining the said road during the year for which the estimate 35 is made.

(4.) The Council shall as soon as practicable after the making of any such estimate as aforesaid submit the estimate to the Board established under section *four* hereof.

40 (5.) The Board shall forthwith take the said estimate into consideration, and may either approve the same without alteration or approve the same subject to such alterations as it thinks fit. The estimate as approved by the Board shall be signed by the Chairman and by one other member, and shall thereupon be deemed to be the estimated expenditure for the year then current.

45 (6.) The estimated expenditure as approved by the Board shall be apportioned by the Council among the local authorities mentioned in the *Second* Schedule hereto in the proportions specified in that Schedule. If the Board fails for three months to approve the estimate submitted by the Council, either with or without alteration 50 as hereinbefore provided, the estimate submitted by the Council shall be deemed to be the approved estimate, and the amount thereof shall be apportioned among the several local authorities accordingly.

(7.) The amount so apportioned by the Council to any local authority (other than the Council) shall constitute a debt payable by the local authority to the Council, and due on the day appointed by the Council for the payment thereof, and may be recovered by the Council in any Court of competent jurisdiction. 5

(8.) The amount payable by any local authority under this section may be paid out of the general fund of the local authority, or the local authority may, if it thinks fit, in addition to its other rating-powers, make and levy a rate on all rateable property within its district sufficient to produce the amount of its contribution. 10

(9.) If any local authority fails for two months to pay the full amount of its contribution under this section, the Council may, by writing under its seal, request the Valuer-General to make and levy on all rateable property in the district of the defaulting local authority a rate sufficient to produce the amount of such contribution or any part thereof remaining unpaid, together with an additional amount of not less than ten per centum thereof, and the Valuer-General shall thereupon have power to make, levy, collect, and recover such rate accordingly. 15

(10.) All moneys received by the Valuer-General under this section shall be applied as follows:— 20

- (a.) In payment to the Council of the amount of the contribution payable by the defaulting local authority, together with interest thereon computed at the rate of *five* per centum per annum as from the date when the contribution became payable; 25
- (b.) In payment of all expenses incident to the making, levying, collecting, and recovery of the rate; and
- (c.) The balance, if any, shall be paid into the general fund of the local authority in whose district the rate was levied. 30

General.

7. (1.) Where the Valuer-General is appointed by the Minister of Finance as Receiver under this Act with power to make and levy rates under section *three* hereof, or is requested by the Council to make and levy rates in respect of the contribution payable to the Council by any local authority, such rates shall be levied on the capital value of all rateable property within the district of the defaulting local authority. 35

(2.) For the purpose of making and levying any such rate the valuation roll under the Valuation of Land Act, 1908, shall be deemed to be the valuation roll of the rateable property within the district, and the Valuer-General shall be deemed to be the local authority within the meaning of the Rating Act, 1908, all the provisions whereof shall, with the necessary modifications, apply to the making, levying, collecting, and recovery of any such rate. 40 45

8. (1.) In addition to the remedies provided by this Act in respect of the failure of a local authority—

- (a.) To pay the amount due by it in respect of the construction of the Hutt Road, or to issue debentures to the Minister of Finance in satisfaction of such amount; or 50

General provisions as to exercise by Valuer-General of rating-powers under this Act.

Minister of Finance may make deductions from subsidies payable to local authorities making default under this Act.

(b.) To pay to the Council the amount of any contribution payable by it in respect of the maintenance of the said road—the Minister of Finance may deduct from any subsidies payable out of the Public Account to the defaulting local authority in any year—

5 (c.) A sum equal to the amount that would have been required by the local authority to pay the interest and sinking fund for that year if it had issued debentures as aforesaid ; or
10 (d.) A sum equal to the contribution payable to the Council by the local authority, with interest thereon computed at the rate of five per centum per annum as from the date when the contribution became payable.

(2.) The amount so deducted in respect of interest shall be paid into the Consolidated Fund, the amount deducted in respect of sinking fund shall be paid to the Public Trustee, and the amount deducted in respect of the amount payable by the local authority to the Council shall be paid into the general fund of the Council.

15 (3.) For the purposes of paragraph (c) of subsection one hereof, interest shall be computed at the rate of five per centum per annum
20 instead of four per centum per annum.

Repeals.

9. 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.

COST OF CONSTRUCTION OF HUTT ROAD.

Local Authorities.	Amount payable by Local Authorities.
	£
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

SECOND SCHEDULE.

COST OF MAINTENANCE OF HUTT ROAD.

Local Authorities.	Proportions of Expenditure.
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	0¼ ..
Hutt County Council	8 ..
Makara County Council	12 ..
Johnsonville Town Board	2 ..
Upper Hutt Town Board	1¼ ..

By Authority: JOHN MACKAY, Government Printer, Wellington. 1915.