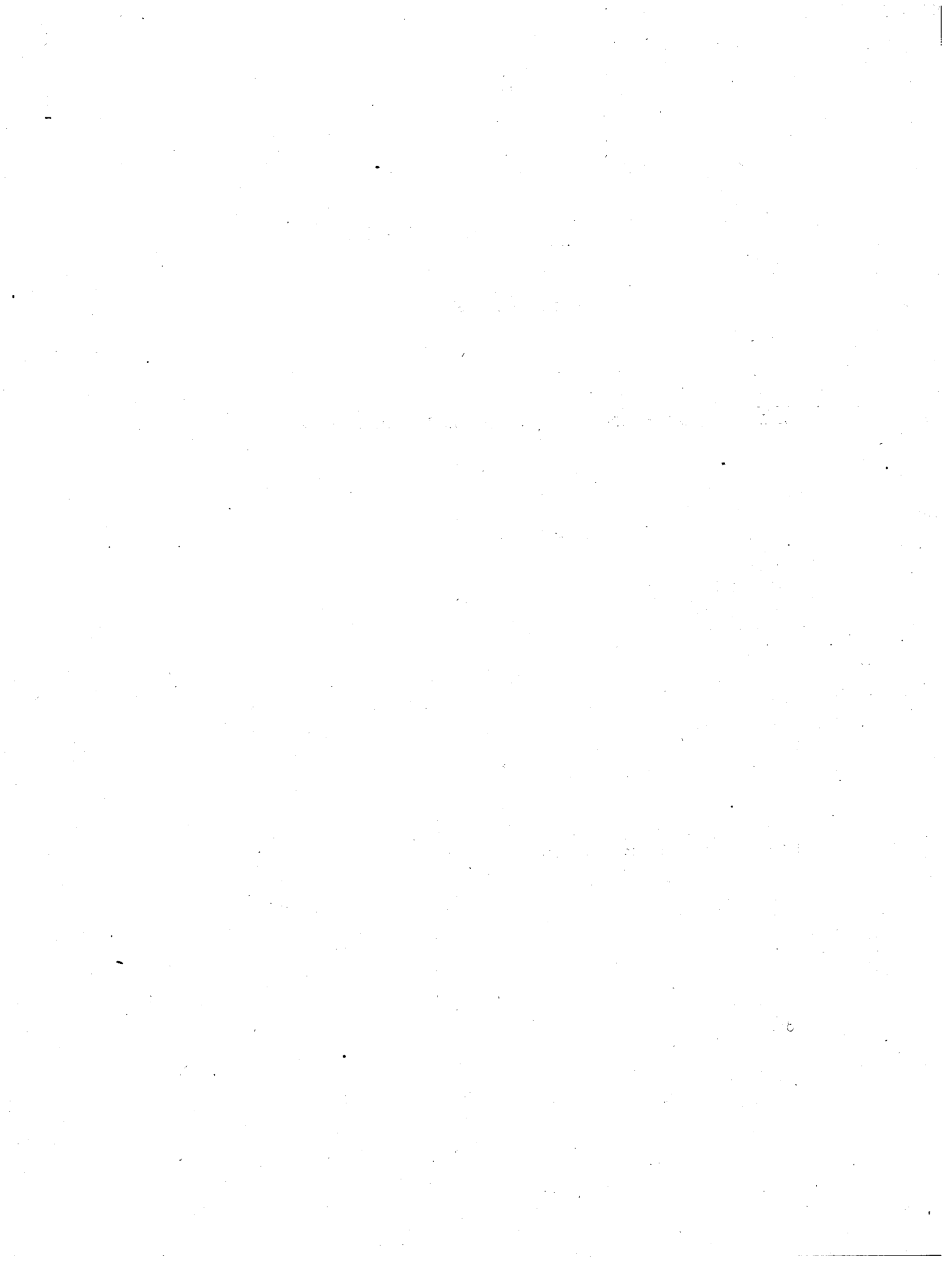


TASMANIA.

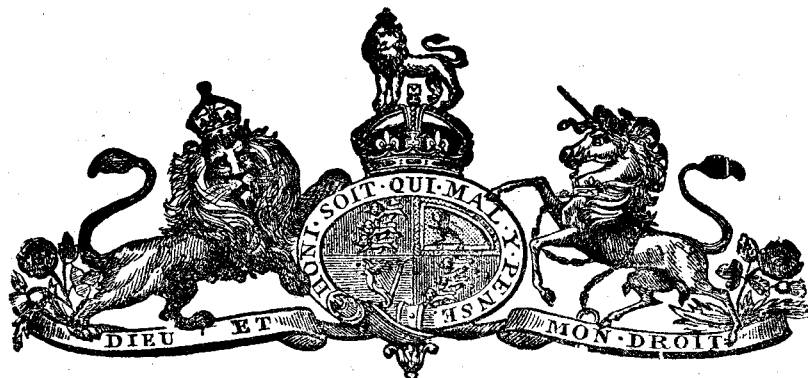
THE REPAIRS TO ROADS ACT, 1920.

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TASMANIA.



1920.

ANNO UNDECIMO

GEORGII V. REGIS.

No. 19.

AN ACT to authorise the Borrowing of Money
by Municipal Councils on Short-dated
Loans for the purpose of effecting Road
Repairs. [1 December, 1920.]

A.D.
1920.

WHEREAS certain roads, upon the construction of which loans PREAMBLE.
moneys have been expended by the State, have fallen into disrepair :

And whereas the proceeds of the road rates at present levied by the
respective municipal councils having the care or control of such roads
have proved insufficient to meet the cost of repairing, renewing, or
maintaining such roads :

And whereas in order to provide funds to meet such cost it is
expedient that such municipal councils should be empowered to bor-
row from the State moneys to be repaid with interest within a period
not exceeding Fifteen years, and that the State should assist such
councils by contributions from the Consolidated Revenue in manner
hereinafter appearing :

Be it therefore enacted by His Excellency the Governor of Tasmania,
by and with the advice and consent of the Legislative Council and
House of Assembly, in Parliament assembled, as follows :—

1 This Act may be cited as "The Repairs to Roads Act, 1920," and shall be incorporated with and read as part of "The Local Government Act, 1906" (in this Act referred to as the "Principal Act"). Short title and incorporation. 6 Ed. VII. No. 31.

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Interpretation.
(See also 6 Ed.
VII. No. 31, s. 5.)

2 In this Act, unless the context otherwise indicates—

“Advance,” as a noun, means a sum of money advanced or agreed to be advanced under this Act :

“Minister” means the Minister for Works for the time being :

“Repairs” includes renewal, reconstruction, renewed construction, and further construction.

“Treasurer” means the Treasurer of the State for the time being :

Suspense Account to be opened.
Cf. 9 Geo. V. No. 72, s. 4.

3—(1) A suspense account shall be opened in the books of the Treasury to be called “The Repairs to Roads Suspense Account,” but the balance to the debit of such account shall not at any time exceed the sum of Twenty thousand Pounds.

(2) All advances made by the Treasurer to any council pursuant to this Act shall be debited against such account, and all repayments by any council on account of principal in respect of any advance shall be credited to such account.

Interest to be paid into Consolidated Revenue.

(3) All moneys paid from time to time by any council on account of interest in respect of any advance shall be paid into and form part of the Consolidated Revenue.

Amount of any loss or deficiency to be made good to Suspense Account.

(4) The amount of any loss or deficiency which may arise in respect of any advance shall be made good and credited to “The Repairs to Roads Suspense Account” out of moneys to be provided by Parliament for that purpose.

Application by council for assistance for repairs.

4—(1) A council may apply to the Minister for assistance to enable it to carry out repairs to any road or roads within the municipality or within any specified ward.

(2) After the Thirtieth day of June, One thousand nine hundred and twenty-one, a council making such an application shall levy a road rate of not less than One Shilling and Threepence in the Pound.

(3) No such application shall be made until the passing of a special resolution of the council authorising the same.

(4) Every such application shall be in writing signed by the warden and council clerk, and shall set forth—

- i. The terms of the special resolution aforesaid :
- ii. The proposed repairs :
- iii. The specifications for and estimated cost of such repairs :
- iv. The ward or wards where such repairs are to be done :
- v. The rateable value of such ward or wards, and also of the whole municipality : and
- vi. Such other information as the Minister may require, or as may be prescribed.

Report of officer to be obtained.

5 The Minister shall refer every such application to an officer of his department for a report as to—

- i. The necessity for or expediency of such repairs :
- ii. The accuracy and sufficiency, or otherwise, of the specifications and estimates :

Repairs to Roads.

III. Such other matters as the Minister may direct.
Such officer shall report accordingly.

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6—(1) On the receipt of such report the Minister may enter into an agreement with the council, to advance to it, under this Act, moneys for such repairs, or any of them, and the council shall thereby agree to expend such advance in accordance with the terms therein contained.

Agreement for
advance may be
made.

(2) The agreement shall be signed by the Minister on behalf of the State and sealed with the common seal of the council; and shall set forth—

The amount to be advanced (which shall be One hundred Pounds or some multiple thereof):

The amount of each instalment debenture to be given under Section Eight:

The repairs to be effected:

The ward or wards to be rated:

The special or other rate to be levied: and

Such other matters as the Minister requires or as are prescribed.

(3) If such agreement shall contain any terms not authorised by the special resolution aforesaid the common seal of the council shall not be set thereto nor shall the agreement be in any way binding upon either party until the same has been authorised by a special resolution.

7 Any advance shall be paid by the Minister to the council by progress payments, and only upon the certificate in writing of an officer of the Minister deputed by him for the purpose that the amount stated therein has been duly and properly expended upon repairs in accordance with the agreement.

Progress pay-
ments to be made.

8—(1) Before any advance is made to any council, the council shall give to the Treasurer instalment debentures in the prescribed form, or if no form is prescribed, then in such form as the Minister shall require, for securing payment by the council of One-half of the advance agreed to be made to such council with interest thereon, such payments to be by equal half-yearly instalments, continuing for a term of not exceeding Fifteen years from the date of the agreement: Provided that the last of such instalment debentures may be for an amount greater or less than the other debentures by an amount not exceeding Twenty-five per centum.

Instalment debentures to secure repayment of half the advance and interest.

(2) The interest on such One-half of the advance shall be assessed at the rate payable at the date of the agreement upon local inscribed stock together with One-half per cent. added by way of administration charge.

Interest.

(3) The instalment debentures shall successively be redeemable on the First day of January and the First day of July in each year: Provided that the First of such instalment debentures shall be redeemable on the Second of such half-yearly days after the date of the agreement, and a further debenture shall be redeemable on each half-yearly day thereafter until the whole of the debentures are fully redeemed.

Half-yearly
payments.

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Cancellation on
redemption.
9 Geo. V. c. 68,
s. 9.

(4) Each debenture shall be redeemed by the payment by the council to the Treasurer, at the Treasury, at Hobart, of the amount secured by such debenture, on the date fixed thereby for payment thereof. The Treasurer, upon receipt of such amount, shall deliver to the council the debenture so redeemed, after first marking the same on the face thereof as cancelled.

Rate to be struck
to meet
debentures.
(See 2 Geo. V.
No. 65, ss. 29 (3)
and 42.)

9—(1) Before any advance is paid to a council, such council shall make and levy a special rate or a separate local rate sufficient to pay off each and every instalment debenture as it falls due; and, notwithstanding anything to the contrary contained in the Principal Act, the council is hereby empowered to make and levy such rate and give to the Treasurer such debentures as aforesaid.

And to be con-
tinuous.

(2) Notwithstanding anything contained in the Principal Act, such rate shall be a continuing rate and shall from year to year be demanded, collected, and recovered by the council, in all respects as if such rate had been duly made and levied by such council in each year, until the whole of the debentures given by the council under this Act shall have been redeemed.

May be increased
by order in
council.

(3) If at any time the proceeds of such rate are insufficient to pay an instalment debenture given by the council, the Governor may by order in council declare that such rate shall be for such greater amount as shall appear to him to be necessary to pay such instalment debenture and any future debentures. Thereupon such rate shall thereafter be demanded, collected, and recovered by the council and its officers, in all respects as if the amount thereof, as declared by such order in council, were the amount at which such rate were originally made and levied under Subsection (1) of this section.

In case of default
agreement void.

(4) If any council shall not, within Three months of the date of its agreement with the Minister, deposit with him the instalment debentures therein mentioned and make and levy the special rate or separate local rate aforesaid, then such agreement shall be void and of no further effect.

Other revenue not
available to pay
off debentures.

10 No payment or contribution to payment of any debenture given under this Act shall be made from the proceeds of any rate or from any other revenue of a council, other than the special rate or separate local rate, made and levied under Section Nine.

Wards not to be
subdivided.

11 The rateable area to which such special rate or separate local rate shall be applicable shall be either the whole municipality or One or more undivided wards thereof, according to the provisions of the agreement between the Minister and the council.

Expenditure of
advances.

12 The council shall cause a separate account to be kept in some bank for every advance, and all money forming part of such advance shall be paid into that account, and shall be applied only in effecting the repairs mentioned in the agreement with the Minister.

All moneys received by the council, as the proceeds of any rate levied by virtue of this Act in respect of any advance, shall be paid into a separate account to be kept in some bank for the purpose.

Repairs to Roads.

13 The Treasurer shall, out of the Consolidated Revenue, pay, half-yearly, on the First day of January and the First day of July, to the credit of the Repairs to Roads Suspense Account, an amount equal to the proportion of all debenture moneys payable for that half-year which represents principal.

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Treasurer to pay off remaining half of advance from Consolidated Revenue.

14 If in any case the advance shall be more than the actual cost of the repairs, then the balance of the advance may be expended by the Council upon such other works as the Minister shall approve, being within the portion or portions of the municipality upon which the special rate or separate local rate was imposed.

Expenditure of excess of advance over cost of repairs.

15 If in any case the advance shall be less than the actual cost of the repairs, then the deficiency shall be paid out of the revenues of the council, other than the proceeds of any road rate.

Deficiency to be made good from council's revenue.

16 If at any time the moneys due by any council on any instalment debenture remain unpaid for a period of Thirty days after the same become due, the Treasurer may from time to time appoint a receiver of all the revenues of the council.

Receiver may be appointed.
Cf. 54 Vict. No. 30, s. 8.

Such receiver shall be entitled to receive all the revenues payable to such council, and for the purpose of paying the moneys due or accruing due under such instalment debenture or any other instalment debenture given by such council, together with the costs, expenses, and remuneration of such receiver in and about his receivership, such receiver may make and levy, demand, collect, and recover all such rates as such council is then by law empowered to make and levy; and for the purposes aforesaid such receiver shall be deemed to be such council and may exercise all the powers and functions thereof in respect of making, levying, or collecting any such rate, and his order, in writing, shall be equivalent to a resolution or special resolution of the council in that behalf.

Such receiver shall pay to the Treasurer all sums of money which may be received by him under his powers aforesaid, after payment thereof of his costs and expenses incurred as such receiver, together with such remuneration for his services as the Treasurer shall deem reasonable.

17 Every receiver appointed under this Act shall, before entering on his office, give such security for the faithful execution thereof as the Treasurer shall direct.

Receiver to give security.
Ib., s. 9.

18 Every such receiver shall, in the receipt or disbursement of moneys or other property, be amenable to all the provisions of "The Audit Act, 1918," in the same manner and in all respects as if he were a "local authority" under Section Thirty-one of that Act or an officer in the Public Service.

Audit of accounts.
Ib., s. 10.
9 Geo. V. No. 3.

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Regulations.

19 Regulations may be made prescribing all matters and forms which are necessary or convenient to be prescribed for giving effect to this Act.