

1886.  
—  
WESTERN AUSTRALIA.

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REPORT OF THE COMMISSION

*Appointed for the purpose of advising on*

THE CONSOLIDATION AND AMENDMENT  
OF THE  
VARIOUS ACTS RELATING TO ROADS.

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*Presented to the Legislative Council by His Excellency's Command.*

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PERTH:  
BY AUTHORITY: RICHARD PETHER, GOVERNMENT PRINTER.

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1886.

No. 2358.—C.S.O.

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Western Australia, )  
to wit. )  
(L. S.)  
F. NAPIER BROOME,  
Governor.

## COMMISSION.

By His Excellency Sir FREDERICK NAPIER BROOME, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Territory of Western Australia and its Dependencies, &c., &c., &c.

To the Honorable Alfred Peach Hensman, Esquire, Attorney General; the Honorable John Forrest, Esquire, C.M.G., Surveyor General and Commissioner of Crown Lands; Maitland Brown, Esquire, M.L.C.; Stephen Stanley Parker, Esquire; Walter Padbury, Esquire; Edmund Ralph Brockman, Esquire; and John Henry Monger, Esquire.

WHEREAS it is expedient that a Commission be appointed for the purpose of advising on the Consolidation and Amendment of the various Acts relating to Roads:

NOW THEREFORE I, Sir FREDERICK NAPIER BROOME, K.C.M.G., have thought fit to appoint and do hereby appoint you the said Alfred Peach Hensman, John Forrest, Maitland Brown, Stephen Stanley Parker, Walter Padbury, Edmund Ralph Brockman, and John Henry Monger, to be Commissioners for the purposes aforesaid.

And I do hereby desire and request that you do, as soon as the same can conveniently be done, report to me, in writing, your proceedings in virtue of this Commission.

And I do hereby appoint you the said John Forrest to be Chairman of the said Commission.

Given under my hand and issued under the Public Seal of the said Colony, at Perth, this 7th day of December, 1885.

By Command,

GEO. PHILLIPS,  
Assistant Colonial Secretary,  
*pro* Colonial Secretary.

GOD SAVE THE QUEEN!!!

*Report of the Commission appointed for the purpose of advising  
on the Consolidation and Amendment of the various Acts  
relating to Roads.*

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REPORT.

To His Excellency Sir Frederick Napier Broome, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Colony of Western Australia and its Dependencies, &c., &c., &c.

MAY IT PLEASE YOUR EXCELLENCY,—

Having been appointed Commissioners for the purpose of advising on the consolidation and amendment of the various Acts relating to Roads, we have given due attention to the matter, and we now humbly beg to offer the following suggestions for the consideration of Your Excellency.

We recommend that a Consolidating Bill be introduced into the Legislative Council, and that the present numerous Acts on the subject of Roads be repealed, and that the following resolutions be made the basis on which the new Bill should be framed, it being understood that when these resolutions do not interfere with the present law, the present law should be re-enacted.

RESOLUTIONS.

1. That the primary control and repairing of all country roads and bridges, and the making of all roads and of all bridges estimated to cost less than £100, be carried out by the Roads Boards, but that the making of all bridges estimated to cost more than £100 be carried out by the Public Works Department.

2. That full power be given to the Roads Boards to enter upon any lands for the purpose of examining, surveying, laying out, and marking roads, including similar powers to those given to the Commissioner of Railways, by 42nd Victoria, No. 31, Section 5, and that similar powers be given to the Surveyor General in addition to, and not in derogation from any powers now possessed by him.

3. That all roads that have been gazetted previously to the passing of the new Act shall be deemed to be roads under such Act, and that no roads shall be deemed to be roads under the statute until they shall have been gazetted as such.

4. That, after the coming into operation of the Act, Roads Boards shall have the power of closing all or any tracks or rights-of-way not being roads under the statute, subject to the right of appeal, by any person who shall think himself aggrieved, to the Governor in Council, within six months from the closure of such road. Provided that a Roads Board shall not close any track or way until not less than three months after notice of such intention to close shall have been published in the *Government Gazette*, and in one newspaper circulating in the district. In notices and advertisements it shall not be necessary to name or define those tracks that are to be closed, provided that all roads or tracks that are to be retained shall be clearly named or defined. That the Act should not come into operation until twelve months after it shall have passed, provided that the notices above referred to may be given at any time after the passing of the Act.

5. The distinction between main and minor roads should be abolished.

6. That the Roads Board should continue to have the power to close and fence, and to place gates across any roads or tracks as at present. That the Board should have power to remove gates from across roads with the same forms as are provided for placing gates across roads, provided that not less than three months notice shall be given to the occupier of the adjacent lands previous to the removal of such gates.

7. That the mode of election of Roads Boards should continue as at present.

8. That the Roads Board districts should remain as at present, subject to power to the Governor in Council as to the formation of or alteration of districts.

9. That before any decision or order of a Roads Board to open any new roads or to alter, add to, or close any road under the statute shall have any effect, it shall be forwarded by the Roads Board to the Commissioner of Crown Lands for confirmation by the Governor in Council, and unless such order of the Board shall be confirmed by the Governor in Council, the same shall be absolutely void.

10. That the provisions of Clause 12 of South Australian Act, 26 and 27 Victoria, Number 11, as to the publication of notices and the forms thereof on the Schedule of that Act, should be embodied in the Act as far as the same are applicable thereto.

11. That compensation for land taken for roads under the Act should be given only in respect of improved or fenced land, held in fee or on special occupation. That compensation should be granted on the basis of the amount that has been expended on the land actually taken, and that the Board should, at their own expense, fence the land on both sides when required to do so by the owner or occupier, leaving such gates and openings as may be reasonably required by the owner or occupier.

Provided that the Board shall give notice in writing of their intention to take land for roads at least one month previously to taking such land.

Provided that if owner or occupier shall require the Board to fence as aforesaid, he shall give notice in writing to the Board to that effect within one month from the receipt of the notice from the Board to him of their intention as aforesaid.

Provided further, that the owner or occupier may require the Board to erect the fencing either at once or on the happening of some future contingency specified by him.

12. That before the confirmation of the Governor in Council is requested by the Board for opening any road through fee simple or special occupation license land, the Board shall give at least three months notice of their intention to apply as aforesaid in the *Government Gazette*, and in at least one newspaper circulating in the district.

13. That the best source for providing for the making and repairs of the roads of the Colony is the general Revenue, provided that in the event of the money voted and appropriated to any district for the roads or bridges of that district being insufficient for that purpose, the Roads Boards should have power to levy a rate for the same purpose.

14. That the property in all country roads under the statute should remain in the Crown, but that the property in all streets in towns within any Municipality should be vested in such Municipality.

All which is respectfully submitted to Your Excellency.

JOHN FORREST,

Chairman of Commission.

ALFRED P. HENSMAN,

Attorney General.

MAITLAND BROWN.

S. S. PARKER.

W. PADBURY.

EDMUND R. BROCKMAN.

J. H. MONGER.

25-3-86.