

**MAIN ROADS (FEDERAL AID ROADS AND
WORKS) AMENDMENT ACT.**

Act No. 13, 1949.

**George VI.
No. 13, 1949.**

An Act to provide for the application of certain moneys paid to the State of New South Wales under the Commonwealth Aid Roads and Works Act 1947-1948 of the Parliament of the Commonwealth; to amend the Main Roads Act, 1924-1948, and certain other Acts in certain respects; to validate certain matters; and for purposes connected therewith. [Assented to, 21st June, 1949.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

**Short title
and
citation.**

1. (1) This Act may be cited as the "Main Roads (Federal Aid Roads and Works) Amendment Act, 1949."

(2)

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(2) The Main Roads Act, 1924, as amended by **No. 13, 1949.** subsequent Acts and by this Act, may be cited as the Main Roads Act, 1924-1949.

2. (1) The Main Roads Act, 1924-1948, is amended— **Amendment
of Act No.
24, 1924.**

(a) (i) by inserting in paragraph (a) of subsection one of section ten after the word "Acts" where firstly occurring the words "or of the taxes imposed by any Act in lieu of the taxes imposed by such Act, as so amended"; **Sec. 10.
(County of
Cumberland
Main Roads
Fund.)**

(ii) by omitting paragraph (e) of the same subsection and by inserting in lieu thereof the following paragraph:—

(e) that proportion of the moneys paid to the State by the Commonwealth of Australia under subsection one of section six of the Commonwealth Aid Roads and Works Act 1947-1948 of the Parliament of the Commonwealth each year commencing from the first day of July, one thousand nine hundred and forty-seven, or under any amendment of that subsection, which is equal to the proportion the amount paid for that year into the County of Cumberland Main Roads Fund in accordance with paragraph (a) of this subsection bears to the total amount paid for that year into that fund and into the Country Main Roads Fund in accordance with the said paragraph (a) and paragraph (a) of subsection one of section twenty of this Act respectively.

(b) by inserting next after subsection (1A) of section twelve the following new subsection:— **Sec. 12.
(Use of
County of
Cumberland
Main Roads
Fund.)**

(1B) That part of the County of Cumberland Main Roads Fund which consists of sums provided under subsection one of section six of **the**

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the Commonwealth Aid Roads and Works Act 1947-1948 of the Parliament of the Commonwealth shall be expended upon the construction, reconstruction, maintenance and repair of roads:

Provided that an amount which, together with any amounts expended under the proviso to subsection (1B) of section twenty-one of this Act, does not exceed one sixth of the sums so provided each year commencing on the first day of July, one thousand nine hundred and forty-seven, may be expended upon such other works connected with transport as the Minister by notification in the Gazette determines.

**Sec. 20.
(Country
Main
Roads
Fund.)**

- (c) (i) by inserting in paragraph (a) of subsection one of section twenty after the word "Acts" where firstly occurring the words "or of the taxes imposed by any Act in lieu of the taxes imposed by such Act, as so amended";
- (ii) by omitting paragraph (d) of the same subsection and by inserting in lieu thereof the following paragraph:—

(d) that proportion of the moneys paid to the State by the Commonwealth of Australia under subsection one of section six of the Commonwealth Aid Roads and Works Act 1947-1948 of the Parliament of the Commonwealth each year commencing from the first day of July, one thousand nine hundred and forty-seven, or under any amendment of that subsection, which is equal to the proportion the amount paid for that year into the Country Main Roads Fund in accordance with paragraph (a) of this subsection bears to the total amount paid for that year into that fund and into the County of Cumberland Main Roads Fund in accordance with the said paragraph (a) and paragraph (a) of subsection one of section ten of this Act respectively;

(d).

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- (d) by inserting next after subsection (1A) of section twenty-one the following new subsection:—

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Sec. 21.

(1B) That part of the Country Main Roads Fund which consists of sums provided under subsection one of section six of the Commonwealth Aid Roads and Works Act 1947-1948 of the Parliament of the Commonwealth shall be expended upon the construction, reconstruction, maintenance and repair of roads:

(Expenditure from Country Main Roads Fund.)

Provided that an amount which together with any amounts expended under the proviso to subsection (1B) of section twelve of this Act does not exceed one sixth of the sums so provided each year commencing on the first day of July, one thousand nine hundred and forty-seven, may be expended upon such other works connected with transport as the Minister by notification in the Gazette determines.

- (e) (i) by omitting from subsection two of section twenty-nine the words "Provided also that moneys granted by the Commonwealth Government shall be used only for construction of road works";

Sec. 29.

(Developmental Roads Fund.)

- (ii) by inserting next after the same subsection the following new subsection:—

(2A) That part of the Developmental Roads Fund which consists of moneys paid to the State by the Commonwealth of Australia under subsection four of section six of the Commonwealth Aid Roads and Works Act 1947-1948 of the Parliament of the Commonwealth and apportioned by the Colonial Treasurer for developmental roads shall be expended upon the construction, reconstruction, maintenance and repair of roads through sparsely populated areas, timber country and rural areas.

(f)

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**New sec.
35A.**

**Works
connected
with
transport.**

(f) by inserting at the end of section thirty-five the following new section:—

35A. (1) The Minister may in any notification published under subsection (1B) of section twelve or under subsection (1B) of section twenty-one of this Act specify the person or body by whom the particular work connected with transport shall be carried out.

(2) Any such work shall be deemed to be an authorised work within the meaning of the Public Works Act, 1912, as amended by subsequent Acts, and the person or body specified in any notification referred to in subsection one of this section shall by virtue of this Act be empowered to carry out the work connected with transport and shall be the constructing authority for the same within the meaning of the said Act, as so amended, and shall enter into such contracts and take all necessary steps for the proper execution thereof as such authority may think proper.

The provisions of the said Act as so amended, sections thirty-four, thirty-five, thirty-six and thirty-seven, excepted, shall apply to and in respect of such work connected with transport.

(3) Without prejudice to the generality of subsection two of this section the provisions of section thirty-eight of the said Act, as so amended, shall apply to and in respect of any contract referred to in that subsection.

(4) The Commissioner shall except where he is the person specified in a notification referred to in subsection one of this section pay the cost of carrying out the work connected with transport to the constructing authority on trust to be expended on the said work and the constructing authority shall account to the Commissioner therefor.

(2)

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(2) (a) The amendments made by subsection one ^{No. 13, 1949} of this section (subparagraph (i) of paragraph (a) and subparagraph (i) of paragraph (c) excepted) shall be deemed to have commenced upon the first day of July, one thousand nine hundred and forty-seven.

(b) The amendments made by subparagraph (i) of paragraph (a) and subparagraph (i) of paragraph (c) of subsection one of this section shall be deemed to have commenced upon the fifteenth day of May, one thousand nine hundred and forty-two.
