

New South Wales



ANNO QUARTO DECIMO

ELIZABETHÆ II REGINÆ

Act No. 19, 1965.

An Act to authorise the proclamation of certain works designed to facilitate the movement of motor traffic between Sydney and Newcastle as toll works and the imposition of tolls and charges on toll works; to make further provision with respect to moneys paid to the State under the Commonwealth Aid Roads Act 1964, and the carrying out of research work connected with roads; for these and other purposes to amend the Main Roads Act, 1924-1964, and certain other Acts; to validate certain matters; and for purposes connected therewith. [Assented to, 8th December, 1965.]

Main Roads (Amendment).

BE it enacted by the Queen'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 (Amendment) Act, 1965".

(2) The Main Roads Act, 1924, as amended by subsequent Acts and by this Act, may be cited as the Main Roads Act, 1924-1965.

Amendment of Act No. 24, 1924.

2. The Main Roads Act, 1924-1964, is amended—

Sec. 2.
(Division into Parts.)

(a) by inserting in section two next after the matter relating to Part VIB the following new matter:—

PART VIC.—TOLL WORKS—ss. 31C-31F.

Sec. 3.
(Interpretation.)

- (b) (i) by inserting in the definition of "Maintenance" in subsection one of section three after the words "or tourist road," wherever occurring the words "or toll work,";
- (ii) by inserting in the same definition after the words "such road" the words "or toll work";
- (iii) by inserting in the definition of "Permanent improvement" in the same subsection after the words "or tourist road," wherever occurring the words "or toll work,";
- (iv) by inserting in the same subsection next after the definition of "State highway" the following new definition:—

"Toll work" means work proclaimed as a toll work under section 31C of this Act or any part of such work.

(c)

Main Roads (Amendment).

- (c) by inserting next after Part VI B the following new Part :— New Part
VIC.

PART VIC.

TOLL WORKS.

31C. The Governor may, on the recommendation of the Commissioner, proclaim as a toll work any work under this Act which is designed to facilitate the movement of motor traffic between Sydney and Newcastle and which at the commencement of the Main Roads (Amendment) Act, 1965, is in the course of being carried out or which after such commencement is, or is to be, carried out. Toll works.

31D. (1) The Commissioner shall decide what works of construction or maintenance shall be carried out on a toll work. Before deciding the Commissioner shall consider the representations, if any, of the councils of the areas in which the toll work will be or is situated. Decision
as to
works.

(2) Where the Commissioner has decided that any work of construction or maintenance is necessary on a toll work he may, except where authorised by the Governor to carry out the work, offer to place the carrying out of the work in the hands of the council, and to make an agreement with the council accordingly.

(3) The cost of works of construction or maintenance carried out on a toll work, or, where an agreement under this section provides for payment of the cost by instalments, the instalments, shall be paid from—

- (a) the County of Cumberland Main Roads Fund, where the toll work is situated within any area to which Part IV of this Act applies; and
- (b) the Country Main Roads Fund, where the toll work is situated within any area to which Part V of this Act applies.

Any

Main Roads (Amendment).

Any payment under this subsection to a council in whose area the toll work is situated shall be expended on the said work in accordance with the agreement and the council shall account to the Commissioner therefor.

(4) The Governor may in any special case direct that work be carried out by the Commissioner.

(5) All work entrusted pursuant to this section to a council shall be carried out to the satisfaction of the Commissioner.

Tolls and charges.

31E. (1) The Commissioner may levy tolls and charges in connection with traffic using a toll work. The amount of the tolls and charges and the method of collection of the tolls and charges in respect of a toll work shall be as prescribed by ordinance under section fifty-one of this Act. Such ordinance may vary according to classes of vehicles, impose different tolls and charges in respect of different classes of vehicles and exempt certain classes of vehicles from such tolls or charges.

(2) All moneys received from tolls or charges imposed under this Act in respect of a toll work shall be applied in the first place towards the cost of repairing and maintaining the toll work and the collection of the tolls and charges, and in the next place towards the cost of constructing the toll work and of acquiring land therefor and the repayment of any loan in connection therewith.

(3) (a) When the Governor is satisfied that all moneys expended upon the construction of the toll work, the acquisition of land in connection therewith, the repair and maintenance of the toll work, the costs of collection of the tolls and charges and the interest, costs, charges and expenses of any loan and of all matters incidental thereto, have been fully repaid out of the tolls and charges collected, he shall cause a notification to that effect to be published in the Gazette.

(b)

Main Roads (Amendment).

(b) Thereupon any ordinances made under this Act imposing tolls and charges in respect of a toll work the subject of a notification under paragraph (a) of this subsection shall cease to have force and effect, the provisions of this Act authorising the imposition of tolls and charges in respect of that toll work shall cease to have effect, and the toll work shall cease to be a toll work and may be proclaimed a road of a classification empowered by this Act.

31F. (1) The length of a toll work shall be deemed not to be a public street or public road within the meaning of the Road Maintenance (Contribution) Act, 1958, or the Local Government Act, 1919, as amended by subsequent Acts, or any regulations or ordinances made thereunder. Toll work not public street for certain purposes.

(2) The Governor may by proclamation published in the Gazette declare that the provisions of subsection one of this section shall apply to any other Act or any regulation, ordinance, by-law or the like made thereunder and such provisions shall apply accordingly.

(3) Notwithstanding that the length of a toll work is deemed not to be a public street within the meaning of the Road Maintenance (Contribution) Act, 1958, as amended by subsequent Acts, such length shall be recorded in the record of journeys of commercial goods vehicles using such toll work required to be kept under that Act, as so amended, and upon proof of payment of the toll or charge imposed in respect of the toll work exemption in respect of the charges payable under that Act, as so amended, in respect of that length shall be made.

(4) The provisions of the Motor Traffic Act, 1909, and the Metropolitan Traffic Act, 1900, and any Acts amending such Acts, shall apply, mutatis mutandis, to and in respect of a toll work as if it were a public street.

(d)

Main Roads (Amendment).

- Sec. 32.
(When board may do work itself.)
- (d) by inserting in subsection one of section thirty-two after the words "and tourist roads," the words "and toll works,";
- Sec. 33.
(What works may be carried out.)
- (e) by inserting in subsection one of section thirty-three after the words "and tourist roads," the words "and toll works,";
- Sec. 34.
(Standard plans and specifications.)
- (f) by inserting in subsection one of section thirty-four after the words "or tourist road" the words ", or toll work";
- Sec. 36.
(Board given powers of council.)
- (g) (i) by inserting in subsection one of section thirty-six after the words "or tourist road" where firstly occurring the words "or a toll work";
- (ii) by inserting in the same subsection after the words "or tourist road" where secondly occurring the words ", or toll work";
- Sec. 51.
(Ordinances.)
- (h) (i) by inserting in subsection one of section fifty-one after the words "main roads" wherever occurring the words "and toll works";
- (ii) by inserting in paragraph (d1) of the same subsection after the words "main road" the words "or toll work";
- (iii) by inserting next after paragraph (e) of the same subsection the following new paragraph :—
- (e1) the application to toll works with such modification or variation as may be deemed necessary of such of the provisions of this Act relating to roads under this Act, the Local Government Act, 1919, as amended by subsequent Acts, and any other Act, and any regulation, ordinance or by-law or the like made under this or any other Act as the Governor may deem desirable for the control, management, maintenance and operation

Main Roads (Amendment).

operation of toll works and the use thereof by vehicles. Any such application may be made by reference to the particular section, subsection, regulation, ordinance, by-law, paragraph or other provision to be applied.

3. (1) The Main Roads Act, 1924-1964, is further amended—

Further amendment of Act No. 24, 1924.

- (a) by omitting from section two the matter relating to Part VA and by inserting in lieu thereof the following matter :—

Sec. 2.
(Division into Parts.)

PART VA.—EXPENDITURE ON TRANSPORT WORKS—s. 27AA.

PART VAA.—MOTORWAYS—ss. 27B, 27C.

- (b) by inserting next after subsection one of section three the following new subsection :—

Sec. 3.
(Interpretation.)

(1A) Any word or phrase used in subsection (1B) of section twelve, subsection (1B) of section twenty-one, section 27AA, or subsection (2A) of section twenty-nine of this Act which has a meaning ascribed thereto in the Commonwealth Aid Roads Act 1964 of the Parliament of the Commonwealth shall have the like meaning in the said subsection or section.

- (c) by omitting paragraph (e) of subsection one of section ten and by inserting in lieu thereof the following paragraph :—

Sec. 10.
(County of Cumberland Main Roads Fund.)

- (e) twenty per centum of the moneys, exclusive of the amount required to be expended under subsection two of section five of the Commonwealth Aid Roads Act 1964 of the Parliament of the Commonwealth, paid under sections three and four of the said Act to the State by the Commonwealth of Australia in respect of any year commencing on the first day of July;

(d)

Main Roads (Amendment).

Sec. 12.
(Use of
fund.)

- (d) by omitting subsection (1B) of section twelve and by inserting in lieu thereof the following subsection :—

(1B) That part of the County of Cumberland Main Roads Fund which consists of moneys paid into that fund in respect of any year pursuant to paragraph (e) of subsection one of section ten of this Act shall be expended on road construction or on research directly connected with the planning or design of roads or with road construction.

Sec. 20.
(Country
Main
Roads
Fund.)

- (e) by omitting paragraph (d) of subsection one of section twenty and by inserting in lieu thereof the following paragraph :—

(d) eighty per centum of the moneys, exclusive of the amount required to be expended under subsection two of section five of the Commonwealth Aid Roads Act 1964 of the Parliament of the Commonwealth, paid under sections three and four of the said Act to the State by the Commonwealth of Australia in respect of any year commencing on the first day of July;

Sec. 21.
(Expendi-
ture.)

- (f) by omitting subsection (1B) of section twenty-one and by inserting in lieu thereof the following subsection :—

(1B) That part of the Country Main Roads Fund which consists of moneys paid into that fund in respect of any year pursuant to paragraph (d) of subsection one of section twenty of this Act shall be expended on road construction or on research directly connected with the planning or design of roads or with road construction.

Part VA.
(Heading.)

- (g) by omitting the heading "PART VA" and by inserting in lieu thereof the heading "PART VAA";

(h)

Main Roads (Amendment).

- (h) by inserting next after section 27A the following new Part : — New Part VA.

PART VA.

EXPENDITURE ON TRANSPORT WORKS.

27AA. Notwithstanding the provisions of subsection (1B) of section twelve and subsection (1B) of section twenty-one of this Act, there may be expended in respect of any year out of the aggregate of moneys paid into the County of Cumberland Main Roads Fund and the Country Main Roads Fund pursuant to paragraph (e) of subsection one of section ten and paragraph (d) of subsection one of section twenty of this Act, respectively, on the construction of works that are not roads but are directly connected with transport by road or water an amount not exceeding the amount which bears to one million pounds the same proportion as the amount payable under section three of the Commonwealth Aid Roads Act 1964 of the Parliament of the Commonwealth to the State of New South Wales in respect of that year bears to the total amount payable under the said section three to all the States in respect of that year.

Expenditure on transport works.

Any amount expended pursuant to the foregoing provisions of this section shall be borne by each of the funds above referred to in such proportions as the Commissioner may determine.

- (i) (i) by omitting paragraph (b) of subsection one of section twenty-nine and by inserting in lieu thereof the following paragraph : — Sec. 29. (Developmental Roads Fund.)

- (b) those moneys paid to the Commissioner out of the amount required to be expended under subsection two of section five of the Commonwealth Aid Roads Act 1964 of the Parliament of the Commonwealth from the moneys paid under that Act to the State by the

Commonwealth

Main Roads (Amendment).

Commonwealth of Australia in respect
of any year commencing on the first
day of July;

- (ii) by omitting subsection (2A) of the same section and by inserting in lieu thereof the following subsection : —

(2A) That part of the Developmental Roads Fund which consists of moneys paid into that fund in respect of any year pursuant to paragraph (b) of subsection one of this section shall be expended on road construction of developmental roads in rural areas.

(2) Subsection one of this section shall be deemed to have commenced on the first day of July, one thousand nine hundred and sixty-four.

Further amendment
of Act No.
24, 1924.
Sec. 48.
(Various powers of
board.)

4. The Main Roads Act, 1924-1964, is further amended by inserting next after paragraph (3) of section forty-eight the following new paragraph : —

- (3A) carry out, or agree with any person for the carrying out of, or make contributions to any person carrying out, research connected with the planning or design of roads, the construction and maintenance of roads, or roadsides and the use of roads.

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, SYDNEY, NEW SOUTH WALES—1966

I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

ALLAN PICKERING,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 1 December, 1965.*

New South Wales



ANNO QUARTO DECIMO

ELIZABETHÆ II REGINÆ

Act No. 19, 1965.

An Act to authorise the proclamation of certain works designed to facilitate the movement of motor traffic between Sydney and Newcastle as toll works and the imposition of tolls and charges on toll works; to make further provision with respect to moneys paid to the State under the Commonwealth Aid Roads Act 1964, and the carrying out of research work connected with roads; for these and other purposes to amend the Main Roads Act, 1924-1964, and certain other Acts; to validate certain matters; and for purposes connected therewith. [Assented to, 8th December, 1965.]

BE

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

G. R. CRAWFORD,
Chairman of Committees of the Legislative Assembly.

Main Roads (Amendment).

BE it enacted by the Queen'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 (Amendment) Act, 1965".

(2) The Main Roads Act, 1924, as amended by subsequent Acts and by this Act, may be cited as the Main Roads Act, 1924-1965.

Amendment
of Act No.
24, 1924.

2. The Main Roads Act, 1924-1964, is amended—

Sec. 2.
(Division
into Parts.)

(a) by inserting in section two next after the matter relating to Part VI B the following new matter :—

PART VI C.—TOLL WORKS—ss. 31C-31F.

Sec. 3.
(Interpre-
tation.)

(b) (i) by inserting in the definition of "Maintenance" in subsection one of section three after the words "or tourist road," wherever occurring the words "or toll work,";

(ii) by inserting in the same definition after the words "such road" the words "or toll work";

(iii) by inserting in the definition of "Permanent improvement" in the same subsection after the words "or tourist road," wherever occurring the words "or toll work,";

(iv) by inserting in the same subsection next after the definition of "State highway" the following new definition :—

"Toll work" means work proclaimed as a toll work under section 31c of this Act or any part of such work.

(c)

Main Roads (Amendment).

- (c) by inserting next after Part VI^B the following new Part : — New Part
VI^C.

PART VI^C.

TOLL WORKS.

31C. The Governor may, on the recommendation of the Commissioner, proclaim as a toll work any work under this Act which is designed to facilitate the movement of motor traffic between Sydney and Newcastle and which at the commencement of the Main Roads (Amendment) Act, 1965, is in the course of being carried out or which after such commencement is, or is to be, carried out. Toll works.

31D. (1) The Commissioner shall decide what works of construction or maintenance shall be carried out on a toll work. Before deciding the Commissioner shall consider the representations, if any, of the councils of the areas in which the toll work will be or is situated. Decision
as to
works.

(2) Where the Commissioner has decided that any work of construction or maintenance is necessary on a toll work he may, except where authorised by the Governor to carry out the work, offer to place the carrying out of the work in the hands of the council, and to make an agreement with the council accordingly.

(3) The cost of works of construction or maintenance carried out on a toll work, or, where an agreement under this section provides for payment of the cost by instalments, the instalments, shall be paid from—

- (a) the County of Cumberland Main Roads Fund, where the toll work is situated within any area to which Part IV of this Act applies; and
- (b) the Country Main Roads Fund, where the toll work is situated within any area to which Part V of this Act applies.

Any

Main Roads (Amendment).

Any payment under this subsection to a council in whose area the toll work is situated shall be expended on the said work in accordance with the agreement and the council shall account to the Commissioner therefor.

(4) The Governor may in any special case direct that work be carried out by the Commissioner.

(5) All work entrusted pursuant to this section to a council shall be carried out to the satisfaction of the Commissioner.

Tolls and charges.

31E. (1) The Commissioner may levy tolls and charges in connection with traffic using a toll work. The amount of the tolls and charges and the method of collection of the tolls and charges in respect of a toll work shall be as prescribed by ordinance under section fifty-one of this Act. Such ordinance may vary according to classes of vehicles, impose different tolls and charges in respect of different classes of vehicles and exempt certain classes of vehicles from such tolls or charges.

(2) All moneys received from tolls or charges imposed under this Act in respect of a toll work shall be applied in the first place towards the cost of repairing and maintaining the toll work and the collection of the tolls and charges, and in the next place towards the cost of constructing the toll work and of acquiring land therefor and the repayment of any loan in connection therewith.

(3) (a) When the Governor is satisfied that all moneys expended upon the construction of the toll work, the acquisition of land in connection therewith, the repair and maintenance of the toll work, the costs of collection of the tolls and charges and the interest, costs, charges and expenses of any loan and of all matters incidental thereto, have been fully repaid out of the tolls and charges collected, he shall cause a notification to that effect to be published in the Gazette.

(b)

Main Roads (Amendment).

(b) Thereupon any ordinances made under this Act imposing tolls and charges in respect of a toll work the subject of a notification under paragraph (a) of this subsection shall cease to have force and effect, the provisions of this Act authorising the imposition of tolls and charges in respect of that toll work shall cease to have effect, and the toll work shall cease to be a toll work and may be proclaimed a road of a classification empowered by this Act.

31F. (1) The length of a toll work shall be deemed not to be a public street or public road within the meaning of the Road Maintenance (Contribution) Act, 1958, or the Local Government Act, 1919, as amended by subsequent Acts, or any regulations or ordinances made thereunder. Toll work not public street for certain purposes.

(2) The Governor may by proclamation published in the Gazette declare that the provisions of subsection one of this section shall apply to any other Act or any regulation, ordinance, by-law or the like made thereunder and such provisions shall apply accordingly.

(3) Notwithstanding that the length of a toll work is deemed not to be a public street within the meaning of the Road Maintenance (Contribution) Act, 1958, as amended by subsequent Acts, such length shall be recorded in the record of journeys of commercial goods vehicles using such toll work required to be kept under that Act, as so amended, and upon proof of payment of the toll or charge imposed in respect of the toll work exemption in respect of the charges payable under that Act, as so amended, in respect of that length shall be made.

(4) The provisions of the Motor Traffic Act, 1909, and the Metropolitan Traffic Act, 1900, and any Acts amending such Acts, shall apply, mutatis mutandis, to and in respect of a toll work as if it were a public street.

(d)

Main Roads (Amendment).

- Sec. 32.
(When board may do work itself.)
- (d) by inserting in subsection one of section thirty-two after the words "and tourist roads," the words "and toll works,";
- Sec. 33.
(What works may be carried out.)
- (e) by inserting in subsection one of section thirty-three after the words "and tourist roads," the words "and toll works,";
- Sec. 34.
(Standard plans and specifications.)
- (f) by inserting in subsection one of section thirty-four after the words "or tourist road" the words ", or toll work";
- Sec. 36.
(Board given powers of council.)
- (g) (i) by inserting in subsection one of section thirty-six after the words "or tourist road" where firstly occurring the words "or a toll work";
- (ii) by inserting in the same subsection after the words "or tourist road" where secondly occurring the words ", or toll work";
- Sec. 51.
(Ordinances.)
- (h) (i) by inserting in subsection one of section fifty-one after the words "main roads" wherever occurring the words "and toll works";
- (ii) by inserting in paragraph (d1) of the same subsection after the words "main road" the words "or toll work";
- (iii) by inserting next after paragraph (e) of the same subsection the following new paragraph :—
- (e1) the application to toll works with such modification or variation as may be deemed necessary of such of the provisions of this Act relating to roads under this Act, the Local Government Act, 1919, as amended by subsequent Acts, and any other Act, and any regulation, ordinance or by-law or the like made under this or any other Act as the Governor may deem desirable for the control, management, maintenance and operation

Main Roads (Amendment).

operation of toll works and the use thereof by vehicles. Any such application may be made by reference to the particular section, subsection, regulation, ordinance, by-law, paragraph or other provision to be applied.

3. (1) The Main Roads Act, 1924-1964, is further amended—

Further amendment of Act No. 24, 1924.

(a) by omitting from section two the matter relating to Part VA and by inserting in lieu thereof the following matter :—

Sec. 2.
(Division into Parts.)

PART VA.—EXPENDITURE ON TRANSPORT WORKS—s. 27AA.

PART VAA.—MOTORWAYS—ss. 27B, 27C.

(b) by inserting next after subsection one of section three the following new subsection :—

Sec. 3.
(Interpretation.)

(1A) Any word or phrase used in subsection (1B) of section twelve, subsection (1B) of section twenty-one, section 27AA, or subsection (2A) of section twenty-nine of this Act which has a meaning ascribed thereto in the Commonwealth Aid Roads Act 1964 of the Parliament of the Commonwealth shall have the like meaning in the said subsection or section.

(c) by omitting paragraph (e) of subsection one of section ten and by inserting in lieu thereof the following paragraph :—

Sec. 10.
(County of Cumberland Main Roads Fund.)

(e) twenty per centum of the moneys, exclusive of the amount required to be expended under subsection two of section five of the Commonwealth Aid Roads Act 1964 of the Parliament of the Commonwealth, paid under sections three and four of the said Act to the State by the Commonwealth of Australia in respect of any year commencing on the first day of July;

(d)

Main Roads (Amendment).

Sec. 12.
(Use of
fund.)

- (d) by omitting subsection (1B) of section twelve and by inserting in lieu thereof the following subsection :—

(1B) That part of the County of Cumberland Main Roads Fund which consists of moneys paid into that fund in respect of any year pursuant to paragraph (e) of subsection one of section ten of this Act shall be expended on road construction or on research directly connected with the planning or design of roads or with road construction.

Sec. 20.
(Country
Main
Roads
Fund.)

- (e) by omitting paragraph (d) of subsection one of section twenty and by inserting in lieu thereof the following paragraph :—

(d) eighty per centum of the moneys, exclusive of the amount required to be expended under subsection two of section five of the Commonwealth Aid Roads Act 1964 of the Parliament of the Commonwealth, paid under sections three and four of the said Act to the State by the Commonwealth of Australia in respect of any year commencing on the first day of July;

Sec. 21.
(Expendi-
ture.)

- (f) by omitting subsection (1B) of section twenty-one and by inserting in lieu thereof the following subsection :—

(1B) That part of the Country Main Roads Fund which consists of moneys paid into that fund in respect of any year pursuant to paragraph (d) of subsection one of section twenty of this Act shall be expended on road construction or on research directly connected with the planning or design of roads or with road construction.

Part VA.
(Heading.)

- (g) by omitting the heading "PART VA" and by inserting in lieu thereof the heading "PART VAA";

(h)

Main Roads (Amendment).

- (h) by inserting next after section 27A the following New Part VA.
new Part :—

PART VA.

EXPENDITURE ON TRANSPORT WORKS.

27AA. Notwithstanding the provisions of sub-section (1B) of section twelve and subsection (1B) of section twenty-one of this Act, there may be expended in respect of any year out of the aggregate of moneys paid into the County of Cumberland Main Roads Fund and the Country Main Roads Fund pursuant to paragraph (e) of subsection one of section ten and paragraph (d) of subsection one of section twenty of this Act, respectively, on the construction of works that are not roads but are directly connected with transport by road or water an amount not exceeding the amount which bears to one million pounds the same proportion as the amount payable under section three of the Commonwealth Aid Roads Act 1964 of the Parliament of the Commonwealth to the State of New South Wales in respect of that year bears to the total amount payable under the said section three to all the States in respect of that year.

Expenditure on transport works.

Any amount expended pursuant to the foregoing provisions of this section shall be borne by each of the funds above referred to in such proportions as the Commissioner may determine.

- (i) (i) by omitting paragraph (b) of subsection one of section twenty-nine and by inserting in lieu thereof the following paragraph :— Sec. 29. (Developmental Roads Fund.)

(b) those moneys paid to the Commissioner out of the amount required to be expended under subsection two of section five of the Commonwealth Aid Roads Act 1964 of the Parliament of the Commonwealth from the moneys paid under that Act to the State by the Commonwealth

Main Roads (Amendment).

Commonwealth of Australia in respect of any year commencing on the first day of July;

- (ii) by omitting subsection (2A) of the same section and by inserting in lieu thereof the following subsection : —

(2A) That part of the Developmental Roads Fund which consists of moneys paid into that fund in respect of any year pursuant to paragraph (b) of subsection one of this section shall be expended on road construction of developmental roads in rural areas.

(2) Subsection one of this section shall be deemed to have commenced on the first day of July, one thousand nine hundred and sixty-four.

Further amendment of Act No. 24, 1924. Sec. 48. (Various powers of board.)

4. The Main Roads Act, 1924-1964, is further amended by inserting next after paragraph (3) of section forty-eight the following new paragraph : —

- (3A) carry out, or agree with any person for the carrying out of, or make contributions to any person carrying out, research connected with the planning or design of roads, the construction and maintenance of roads, or roadsides and the use of roads.

In the name and on behalf of Her Majesty I assent to this Act.

K. W. STREET,
Lieutenant-Governor.

*Government House,
Sydney, 8th December, 1965.*

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

ALLAN PICKERING,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 25 November, 1965.*

New South Wales



ANNO QUARTO DECIMO

ELIZABETHÆ II REGINÆ

Act No. , 1965.

An Act to authorise the proclamation of certain works designed to facilitate the movement of motor traffic between Sydney and Newcastle as toll works and the imposition of tolls and charges on toll works; to make further provision with respect to moneys paid to the State under the Commonwealth Aid Roads Act 1964, and the carrying out of research work connected with roads; for these and other purposes to amend the Main Roads Act, 1924-1964, and certain other Acts; to validate certain matters; and for purposes connected therewith.

BE

Main Roads (Amendment).

BE it enacted by the Queen'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 :—

1. (1) This Act may be cited as the "Main Roads (Amendment) Act, 1965".

Short title and citation.

(2) The Main Roads Act, 1924, as amended by subsequent Acts and by this Act, may be cited as the Main Roads Act, 1924-1965.

2. The Main Roads Act, 1924-1964, is amended—

Amendment of Act No. 24, 1924.

(a) by inserting in section two next after the matter relating to Part VIB the following new matter :—

Sec. 2. (Division into Parts.)

PART VIC.—TOLL WORKS—ss. 31C-31F.

(b) (i) by inserting in the definition of "Maintenance" in subsection one of section three after the words "or tourist road," wherever occurring the words "or toll work,";

Sec. 3. (Interpretation.)

(ii) by inserting in the same definition after the words "such road" the words "or toll work";

(iii) by inserting in the definition of "Permanent improvement" in the same subsection after the words "or tourist road," wherever occurring the words "or toll work,";

(iv) by inserting in the same subsection next after the definition of "State highway" the following new definition :—

"Toll work" means work proclaimed as a toll work under section 31C of this Act or any part of such work.

(c)

Main Roads (Amendment).

(c) by inserting next after Part VI B the following new Part : — New Part
VIC.

PART VI C.

TOLL WORKS.

5 31C. The Governor may, on the recommenda- Toll works.
tion of the Commissioner, proclaim as a toll work
any work under this Act which is designed to
facilitate the movement of motor traffic between
10 Sydney and Newcastle and which at the com-
mencement of the Main Roads (Amendment) Act,
1965, is in the course of being carried out or
which after such commencement is, or is to be,
carried out.

15 31D. (1) The Commissioner shall decide what Decision
as to
works.
works of construction or maintenance shall be
carried out on a toll work. Before deciding the
Commissioner shall consider the representations, if
any, of the councils of the areas in which the toll
work will be or is situated.

20 (2) Where the Commissioner has decided
that any work of construction or maintenance is
necessary on a toll work he may, except where
authorised by the Governor to carry out the work,
offer to place the carrying out of the work in the
25 hands of the council, and to make an agreement
with the council accordingly.

30 (3) The cost of works of construction or
maintenance carried out on a toll work, or, where
an agreement under this section provides for pay-
ment of the cost by instalments, the instalments,
shall be paid from—

35 (a) the County of Cumberland Main Roads
Fund, where the toll work is situated within
any area to which Part IV of this Act
applies; and

(b) the Country Main Roads Fund, where the
toll work is situated within any area to
which Part V of this Act applies.

Any

Main Roads (Amendment).

5 Any payment under this subsection to a council in whose area the toll work is situated shall be expended on the said work in accordance with the agreement and the council shall account to the Commissioner therefor.

(4) The Governor may in any special case direct that work be carried out by the Commissioner.

10 (5) All work entrusted pursuant to this section to a council shall be carried out to the satisfaction of the Commissioner.

15 31E. (1) The Commissioner may levy tolls and charges in connection with traffic using a toll work. ^{Tolls and charges.} The amount of the tolls and charges and the method of collection of the tolls and charges in respect of a toll work shall be as prescribed by ordinance under section fifty-one of this Act. Such ordinance may vary according to classes of vehicles, impose different tolls and charges in respect of different classes of vehicles and exempt certain classes of vehicles from such tolls or charges.

20 (2) All moneys received from tolls or charges imposed under this Act in respect of a toll work shall be applied in the first place towards the cost of repairing and maintaining the toll work and the collection of the tolls and charges, and in the next place towards the cost of constructing the toll work and of acquiring land therefor and the repayment of any loan in connection therewith.

25 (3) (a) When the Governor is satisfied that all moneys expended upon the construction of the toll work, the acquisition of land in connection therewith, the repair and maintenance of the toll work, the costs of collection of the tolls and charges and the interest, costs, charges and expenses of any loan and of all matters incidental thereto, have been fully repaid out of the tolls and charges collected, he shall cause a notification to that effect to be published in the Gazette.

(b)

Main Roads (Amendment).

5 (b) Thereupon any ordinances made under this Act imposing tolls and charges in respect of a toll work the subject of a notification under paragraph (a) of this subsection shall cease to have force and effect, the provisions of this Act authorising the imposition of tolls and charges in respect of that toll work shall cease to have effect, and the toll work shall cease to be a toll work and may be proclaimed a road of a classification empowered by this Act.

10 31F. (1) The length of a toll work shall be deemed not to be a public street or public road within the meaning of the Road Maintenance (Contribution) Act, 1958, or the Local Government Act, 1919, as amended by subsequent Acts, or any regulations or ordinances made thereunder.

Toll work not public street for certain purposes.

15 (2) The Governor may by proclamation published in the Gazette declare that the provisions of subsection one of this section shall apply to any other Act or any regulation, ordinance, by-law or the like made thereunder and such provisions shall apply accordingly.

20 (3) Notwithstanding that the length of a toll work is deemed not to be a public street within the meaning of the Road Maintenance (Contribution) Act, 1958, as amended by subsequent Acts, such length shall be recorded in the record of journeys of commercial goods vehicles using such toll work required to be kept under that Act, as so amended, and upon proof of payment of the toll or charge imposed in respect of the toll work exemption in respect of the charges payable under that Act, as so amended, in respect of that length shall be made.

25 (4) The provisions of the Motor Traffic Act, 1909, and the Metropolitan Traffic Act, 1900, and any Acts amending such Acts, shall apply, mutatis mutandis, to and in respect of a toll work as if it were a public street.

(d)

Main Roads (Amendment).

- (d) by inserting in subsection one of section thirty-two after the words "and tourist roads," the words "and toll works,"; Sec. 32. (When board may do work itself.)
- 5 (e) by inserting in subsection one of section thirty-three after the words "and tourist roads," the words "and toll works,"; Sec. 33. (What works may be carried out.)
- (f) by inserting in subsection one of section thirty-four after the words "or tourist road" the words ", or toll work"; Sec. 34. (Standard plans and specifications.)
- 10 (g) (i) by inserting in subsection one of section thirty-six after the words "or tourist road" where firstly occurring the words "or a toll work"; Sec. 36. (Board given powers of council.)
- (ii) by inserting in the same subsection after the words "or tourist road" where secondly occurring the words ", or toll work";
- 15 (h) (i) by inserting in subsection one of section fifty-one after the words "main roads" wherever occurring the words "and toll works"; Sec. 51. (Ordinances.)
- (ii) by inserting in paragraph (d1) of the same subsection after the words "main road" the words "or toll work";
- 20 (iii) by inserting next after paragraph (e) of the same subsection the following new paragraph :—
- 25 (e1) the application to toll works with such modification or variation as may be deemed necessary of such of the provisions of this Act relating to roads
- 30 under this Act, the Local Government Act, 1919, as amended by subsequent Acts, and any other Act, and any regulation, ordinance or by-law or the like made under this or any other Act as the Governor may deem desirable for the
- 35 control, management, maintenance and operation

Main Roads (Amendment).

operation of toll works and the use thereof by vehicles. Any such application may be made by reference to the particular section, subsection, regulation, ordinance, by-law, paragraph or other provision to be applied.

5

3. (1) The Main Roads Act, 1924-1964, is further amended—

Further amendment of Act No. 24, 1924.

10 (a) by omitting from section two the matter relating to Part VA and by inserting in lieu thereof the following matter :—

Sec. 2.
(Division into Parts.)

PART VA.—EXPENDITURE ON TRANSPORT WORKS—s. 27AA.

PART VAA.—MOTORWAYS—ss. 27B, 27C.

15 (b) by inserting next after subsection one of section three the following new subsection :—

Sec. 3.
(Interpretation.)

(1A) Any word or phrase used in subsection (1B) of section twelve, subsection (1B) of section twenty-one, section 27AA, or subsection (2A) of section twenty-nine of this Act which has a meaning ascribed thereto in the Commonwealth Aid Roads Act 1964 of the Parliament of the Commonwealth shall have the like meaning in the said subsection or section.

25 (c) by omitting paragraph (e) of subsection one of section ten and by inserting in lieu thereof the following paragraph :—

Sec. 10.
(County of Cumberland Main Roads Fund.)

30 (e) twenty per centum of the moneys, exclusive of the amount required to be expended under subsection two of section five of the Commonwealth Aid Roads Act 1964 of the Parliament of the Commonwealth, paid under sections three and four of the said Act to the State by the Commonwealth of Australia in respect of any year commencing on the first day of July ;

35

(d)

Main Roads (Amendment).

- (d) by omitting subsection (1B) of section twelve and by inserting in lieu thereof the following subsection : — Sec. 12.
(Use of fund.)

5 (1B) That part of the County of Cumberland Main Roads Fund which consists of moneys paid into that fund in respect of any year pursuant to paragraph (e) of subsection one of section ten of this Act shall be expended on road construction or on research directly connected with the planning or
10 design of roads or with road construction.

- (e) by omitting paragraph (d) of subsection one of section twenty and by inserting in lieu thereof the following paragraph : — Sec. 20.
(Country Main Roads Fund.)

15 (d) eighty per centum of the moneys, exclusive of the amount required to be expended under subsection two of section five of the Commonwealth Aid Roads Act 1964 of the Parliament of the Commonwealth, paid under sections three and four of the said
20 Act to the State by the Commonwealth of Australia in respect of any year commencing on the first day of July;

- (f) by omitting subsection (1B) of section twenty-one and by inserting in lieu thereof the following subsection : — Sec. 21.
(Expenditure.)

25 (1B) That part of the Country Main Roads Fund which consists of moneys paid into that fund in respect of any year pursuant to paragraph (d) of subsection one of section twenty of this Act shall
30 be expended on road construction or on research directly connected with the planning or design of roads or with road construction.

- (g) by omitting the heading "PART VA" and by inserting in lieu thereof the heading "PART VAA"; Part VA.
(Heading.)

(h)

Main Roads (Amendment).

Commonwealth of Australia in respect
of any year commencing on the first
day of July ;

- 5 (ii) by omitting subsection (2A) of the same section
and by inserting in lieu thereof the following
subsection :—

10 (2A) That part of the Developmental
Roads Fund which consists of moneys paid
into that fund in respect of any year pursuant
to paragraph (b) of subsection one of this
section shall be expended on road construction
of developmental roads in rural areas.

(2) Subsection one of this section shall be deemed to
have commenced on the first day of July, one thousand nine
15 hundred and sixty-four.

4. The Main Roads Act, 1924-1964, is further amended
by inserting next after paragraph (3) of section forty-eight
the following new paragraph :—

Further
amendment
of Act No.
24, 1924.
Sec. 48.
(Various
powers of
board.)

- 20 (3A) carry out, or agree with any person for the carrying
out of, or make contributions to any person carrying
out, research connected with the planning or design
of roads, the construction and maintenance of
roads, or roadsides and the use of roads.

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, SYDNEY, NEW SOUTH WALES—1965
[1s. 0d. (10c)]

MAIN ROADS (AMENDMENT) BILL, 1965

EXPLANATORY NOTE.

THE objects of this Bill are to make provision for—

- (a) the application of moneys received by the Commissioner for Main Roads pursuant to the Commonwealth Aid Roads Act 1964 of the Parliament of the Commonwealth ;
- (b) the proclamation of toll works, the levying of tolls to be applied towards the cost of constructing and maintaining same, the discontinuance of the toll after repayment and thereafter its proclamation as a road of a classification empowered by the Main Roads Act, and exemption from tax under the Road Maintenance (Contribution) Act, 1958, for the length of the toll work ;
- (c) research by extending the existing power to the planning or design of roads, the construction and maintenance of roads, or roadsides and the use of roads so that State revenue may be expended thereon as allowed from moneys provided under the Commonwealth Aid Roads Act 1964 ; and
- (d) other matters of a minor or ancillary nature.

MAIN HOUSES (AMENDMENT) BILL, 1965

EXPLANATORY NOTE

The Bill is intended to amend the Main Houses Act, 1954, in relation to the

provisions relating to the appointment of the Local Authorities and the

provisions relating to the appointment of the Local Authorities and the

provisions relating to the appointment of the Local Authorities and the

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provisions relating to the appointment of the Local Authorities and the

PROOF

No. , 1965.

A BILL

To authorise the proclamation of certain works as toll works and the imposition of tolls and charges on toll works; to make further provision with respect to moneys paid to the State under the Commonwealth Aid Roads Act 1964, and the carrying out of research work connected with roads; for these and other purposes to amend the Main Roads Act, 1924-1964, and certain other Acts; to validate certain matters; and for purposes connected therewith.

[MR. MORTON ;—11 *November*, 1965.]

BE

Main Roads (Amendment).

BE it enacted by the Queen'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 :—

1. (1) This Act may be cited as the "Main Roads (Amendment) Act, 1965". Short title and citation.

(2) The Main Roads Act, 1924, as amended by subsequent Acts and by this Act, may be cited as the Main Roads Act, 1924-1965.

2. The Main Roads Act, 1924-1964, is amended— Amendment of Act No. 24, 1924.

(a) by inserting in section two next after the matter relating to Part VI B the following new matter :— Sec. 2. (Division into Parts.)

PART VI C.—TOLL WORKS—ss. 31C-31F.

15 (b) (i) by inserting in the definition of "Maintenance" in subsection one of section three after the words "or tourist road," wherever occurring the words "or toll work,"; Sec. 3. (Interpretation.)

20 (ii) by inserting in the same definition after the words "such road" the words "or toll work";

(iii) by inserting in the definition of "Permanent improvement" in the same subsection after the words "or tourist road," wherever occurring the words "or toll work,";

25 (iv) by inserting in the same subsection next after the definition of "State highway" the following new definition :—

"Toll work" means work proclaimed as a toll work under section 31C of this Act or any part of such work.

30

(c)

Main Roads (Amendment).

(c) by inserting next after Part VI B the following new Part : — New Part VIc.

PART VIc.

TOLL WORKS.

5 31c. The Governor may, on the recommenda- Toll works.
tion of the Commissioner, proclaim as a toll work
any work under this Act which at the commence-
ment of the Main Roads (Amendment) Act, 1965,
10 is in the course of being carried out or which after
such commencement is, or is to be, carried out.

15 31d. (1) The Commissioner shall decide what Decision
works of construction or maintenance shall be as to
carried out on a toll work. Before deciding the works.
Commissioner shall consider the representations, if
any, of the councils of the areas in which the toll
work will be or is situated.

20 (2) Where the Commissioner has decided
that any work of construction or maintenance is
necessary on a toll work he may, except where
authorised by the Governor to carry out the work,
offer to place the carrying out of the work in the
hands of the council, and to make an agreement
with the council accordingly.

25 (3) The cost of works of construction or
maintenance carried out on a toll work, or, where
an agreement under this section provides for pay-
ment of the cost by instalments, the instalments,
shall be paid from—

30 (a) the County of Cumberland Main Roads
Fund, where the toll work is situated within
any area to which Part IV of this Act
applies; and

35 (b) the Country Main Roads Fund, where the
toll work is situated within any area to
which Part V of this Act applies.

Any

Main Roads (Amendment).

5 Any payment under this subsection to a council in whose area the toll work is situated shall be expended on the said work in accordance with the agreement and the council shall account to the Commissioner therefor.

(4) The Governor may in any special case direct that work be carried out by the Commissioner.

10 (5) All work entrusted pursuant to this section to a council shall be carried out to the satisfaction of the Commissioner.

15 31E. (1) The Commissioner may levy tolls and charges in connection with traffic using a toll work. ^{Tolls and charges.} The amount of the tolls and charges and the method of collection of the tolls and charges in respect of a toll work shall be as prescribed by ordinance under section fifty-one of this Act. Such ordinance may vary according to classes of vehicles, impose different tolls and charges in respect of different classes of vehicles and exempt certain classes of vehicles from such tolls or charges.

20 (2) All moneys received from tolls or charges imposed under this Act in respect of a toll work shall be applied in the first place towards the cost of repairing and maintaining the toll work and the collection of the tolls and charges, and in the next place towards the cost of constructing the toll work and of acquiring land therefor and the repayment of any loan in connection therewith.

30 (3) (a) When the Governor is satisfied that all moneys expended upon the construction of the toll work, the acquisition of land in connection therewith, the repair and maintenance of the toll work, the costs of collection of the tolls and charges and the interest, costs, charges and expenses of any loan and of all matters incidental thereto, have been fully repaid out of the tolls and charges collected, he shall cause a notification to that effect to be published in the Gazette.

(b)

Main Roads (Amendment).

5 (b) Thereupon any ordinances made
under this Act imposing tolls and charges in respect
of a toll work the subject of a notification under
paragraph (a) of this subsection shall cease to have
force and effect, the provisions of this Act
authorising the imposition of tolls and charges in
respect of that toll work shall cease to have effect,
and the toll work shall cease to be a toll
work and may be proclaimed a road of a classifica-
10 tion empowered by this Act.

15 31F. (1) The length of a toll work shall be deemed not to be a public street or public road within the meaning of the Road Maintenance (Con-
tribution) Act, 1958, or the Local Government Act, 1919, as amended by subsequent Acts, or any regulations or ordinances made thereunder. Toll work not public street for certain purposes.

20 (2) The Governor may by proclamation published in the Gazette declare that the provisions of subsection one of this section shall apply to any other Act or any regulation, ordinance, by-law or the like made thereunder and such provisions shall apply accordingly.

25 (3) Notwithstanding that the length of a toll work is deemed not to be a public street within the meaning of the Road Maintenance (Contribution) Act, 1958, as amended by subsequent Acts, such length shall be recorded in the record of journeys of commercial goods vehicles using such toll work required to be kept under that Act, as so
30 amended, and upon proof of payment of the toll or charge imposed in respect of the toll work exemption in respect of the charges payable under that Act, as so amended, in respect of that length shall be made.

35 (4) The provisions of the Motor Traffic Act, 1909, and the Metropolitan Traffic Act, 1900, and any Acts amending such Acts, shall apply, mutatis mutandis, to and in respect of a toll work as if it were a public street.

(d)

Main Roads (Amendment).

- (d) by inserting in subsection one of section thirty-two after the words "and tourist roads," the words "and toll works,"; Sec. 32.
(When board may do work itself.)
- 5 (e) by inserting in subsection one of section thirty-three after the words "and tourist roads," the words "and toll works,"; Sec. 33.
(What works may be carried out.)
- (f) by inserting in subsection one of section thirty-four after the words "or tourist road" the words ", or toll work"; Sec. 34.
(Standard plans and specifications.)
- 10 (g) (i) by inserting in subsection one of section thirty-six after the words "or tourist road" where firstly occurring the words "or a toll work"; Sec. 36.
(Board given powers of council.)
- (ii) by inserting in the same subsection after the words "or tourist road" where secondly occurring the words ", or toll work";
- 15 (h) (i) by inserting in subsection one of section fifty-one after the words "main roads" wherever occurring the words "and toll works"; Sec. 51.
(Ordinances.)
- (ii) by inserting in paragraph (d1) of the same subsection after the words "main road" the words "or toll work";
- 20 (iii) by inserting next after paragraph (e) of the same subsection the following new paragraph :—
- 25 (e1) the application to toll works with such modification or variation as may be deemed necessary of such of the provisions of this Act relating to roads under this Act, the Local Government Act, 1919, as amended by subsequent
- 30 Acts, and any other Act, and any regulation, ordinance or by-law or the like made under this or any other Act as the Governor may deem desirable for the control, management, maintenance and
- 35 operation

Main Roads (Amendment).

operation of toll works and the use thereof by vehicles. Any such application may be made by reference to the particular section, subsection, regulation, ordinance, by-law, paragraph or other provision to be applied.

5

3. (1) The Main Roads Act, 1924-1964, is further amended— Further amendment of Act No. 24, 1924.

(a) by omitting from section two the matter relating to Part VA and by inserting in lieu thereof the following matter :— Sec. 2. (Division into Parts.)

10

PART VA.—EXPENDITURE ON TRANSPORT WORKS—s. 27AA.

PART VAA.—MOTORWAYS—ss. 27B, 27C.

(b) by inserting next after subsection one of section three the following new subsection :— Sec. 3. (Interpretation.)

15

(1A) Any word or phrase used in subsection (1B) of section twelve, subsection (1B) of section twenty-one, section 27AA, or subsection (2A) of section twenty-nine of this Act which has a meaning ascribed thereto in the Commonwealth Aid Roads Act 1964 of the Parliament of the Commonwealth shall have the like meaning in the said subsection or section.

20

(c) by omitting paragraph (e) of subsection one of section ten and by inserting in lieu thereof the following paragraph :— Sec. 10. (County of Cumberland Main Roads Fund.)

25

(e) twenty per centum of the moneys, exclusive of the amount required to be expended under subsection two of section five of the Commonwealth Aid Roads Act 1964 of the Parliament of the Commonwealth, paid under sections three and four of the said Act to the State by the Commonwealth of Australia in respect of any year commencing on the first day of July;

30

35

(d)

Main Roads (Amendment).

- (d) by omitting subsection (1B) of section twelve and by inserting in lieu thereof the following subsection : — Sec. 12.
(Use of fund.)

5 (1B) That part of the County of Cumberland Main Roads Fund which consists of moneys paid into that fund in respect of any year pursuant to paragraph (e) of subsection one of section ten of this Act shall be expended on road construction or on research directly connected with the planning or
10 design of roads or with road construction.

- (e) by omitting paragraph (d) of subsection one of section twenty and by inserting in lieu thereof the following paragraph : — Sec. 20.
(Country Main Roads Fund.)

15 (d) eighty per centum of the moneys, exclusive of the amount required to be expended under subsection two of section five of the Commonwealth Aid Roads Act 1964 of the Parliament of the Commonwealth, paid under sections three and four of the said
20 Act to the State by the Commonwealth of Australia in respect of any year commencing on the first day of July ;

- (f) by omitting subsection (1B) of section twenty-one and by inserting in lieu thereof the following subsection : — Sec. 21.
(Expenditure.)

25 (1B) That part of the Country Main Roads Fund which consists of moneys paid into that fund in respect of any year pursuant to paragraph (d) of subsection one of section twenty of this Act shall
30 be expended on road construction or on research directly connected with the planning or design of roads or with road construction.

- (g) by omitting the heading "PART VA" and by inserting in lieu thereof the heading "PART VAA"; Part VA.
(Heading.)

(h)

Main Roads (Amendment).

(h) by inserting next after section 27A the following ^{New} Part Va.
new Part :—

PART VA.

EXPENDITURE ON TRANSPORT WORKS.

5 27AA. Notwithstanding the provisions of sub- Expendi-
 section (1B) of section twelve and subsection (1B) ture on
 of section twenty-one of this Act, there may be transport
 expended in respect of any year out of the aggregate works.
 of moneys paid into the County of Cumberland
 10 Main Roads Fund and the Country Main Roads
 Fund pursuant to paragraph (e) of subsection one
 of section ten and paragraph (d) of subsection one
 of section twenty of this Act, respectively, on the
 15 construction of works that are not roads but are
 directly connected with transport by road or water
 an amount not exceeding the amount which bears
 to one million pounds the same proportion as the
 amount payable under section three of the
 Commonwealth Aid Roads Act 1964 of the
 20 Parliament of the Commonwealth to the State of
 New South Wales in respect of that year bears to
 the total amount payable under the said section
 three to all the States in respect of that year.

25 Any amount expended pursuant to the foregoing
 provisions of this section shall be borne by each of
 the funds above referred to in such proportions as
 the Commissioner may determine.

30 (i) (i) by omitting paragraph (b) of subsection one of ^{Sec. 29.}
 section twenty-nine and by inserting in lieu (Develop-
 thereof the following paragraph :— <sup>mental
 Roads
 Fund.)</sup>

35 (b) those moneys paid to the Commissioner
 out of the amount required to be
 expended under subsection two of
 section five of the Commonwealth Aid
 Roads Act 1964 of the Parliament of
 the Commonwealth from the moneys
 paid under that Act to the State by the

Main Roads (Amendment).

Commonwealth of Australia in respect
of any year commencing on the first
day of July;

- 5 (ii) by omitting subsection (2A) of the same section
and by inserting in lieu thereof the following
subsection :—

10 (2A) That part of the Developmental
Roads Fund which consists of moneys paid
into that fund in respect of any year pursuant
to paragraph (b) of subsection one of this
section shall be expended on road construction
of developmental roads in rural areas.

(2) Subsection one of this section shall be deemed to
have commenced on the first day of July, one thousand nine
15 hundred and sixty-four.

4. The Main Roads Act, 1924-1964, is further amended
by inserting next after paragraph (3) of section forty-eight
the following new paragraph :—

Further
amendment
of Act No.
24, 1924.

- 20 (3A) carry out, or agree with any person for the carrying
out of, or make contributions to any person carrying
out, research connected with the planning or design
of roads, the construction and maintenance of
roads, or roadsides and the use of roads.

Sec. 48.
(Various
powers of
board.)

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, SYDNEY, NEW SOUTH WALES—1965

No. , 1965.

A BILL

To authorise the proclamation of certain works as toll works and the imposition of tolls and charges on toll works; to make further provision with respect to moneys paid to the State under the Commonwealth Aid Roads Act 1964, and the carrying out of research work connected with roads; for these and other purposes to amend the Main Roads Act, 1924-1964, and certain other Acts; to validate certain matters; and for purposes connected therewith.

[MR. MORTON;—11 November, 1965.]

BE

Main Roads (Amendment).

BE it enacted by the Queen'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 :—

1. (1) This Act may be cited as the "Main Roads (Amendment) Act, 1965". Short title and citation.

(2) The Main Roads Act, 1924, as amended by subsequent Acts and by this Act, may be cited as the Main Roads Act, 1924-1965.

2. The Main Roads Act, 1924-1964, is amended— Amendment of Act No. 24, 1924.

(a) by inserting in section two next after the matter relating to Part VIB the following new matter :— Sec. 2. (Division into Parts.)

PART VIC.—TOLL WORKS—ss. 31C-31F.

15 (b) (i) by inserting in the definition of "Maintenance" in subsection one of section three after the words "or tourist road," wherever occurring the words "or toll work,"; Sec. 3. (Interpretation.)

20 (ii) by inserting in the same definition after the words "such road" the words "or toll work";

(iii) by inserting in the definition of "Permanent improvement" in the same subsection after the words "or tourist road," wherever occurring the words "or toll work,";

25 (iv) by inserting in the same subsection next after the definition of "State highway" the following new definition :—

"Toll work" means work proclaimed as a toll work under section 31C of this Act or any part of such work.

30

(c)

Main Roads (Amendment).

(c) by inserting next after Part VI B the following new Part :— New Part
VI C.

PART VI C.

TOLL WORKS.

5 31C. The Governor may, on the recommenda- Toll works.
tion of the Commissioner, proclaim as a toll work
any work under this Act which at the commence-
ment of the Main Roads (Amendment) Act, 1965,
10 is in the course of being carried out or which after
such commencement is, or is to be, carried out.

15 31D. (1) The Commissioner shall decide what Decision
as to
works.
works of construction or maintenance shall be
carried out on a toll work. Before deciding the
Commissioner shall consider the representations, if
any, of the councils of the areas in which the toll
work will be or is situated.

20 (2) Where the Commissioner has decided
that any work of construction or maintenance is
necessary on a toll work he may, except where
authorised by the Governor to carry out the work,
offer to place the carrying out of the work in the
hands of the council, and to make an agreement
with the council accordingly.

25 (3) The cost of works of construction or
maintenance carried out on a toll work, or, where
an agreement under this section provides for pay-
ment of the cost by instalments, the instalments,
shall be paid from—

30 (a) the County of Cumberland Main Roads
Fund, where the toll work is situated within
any area to which Part IV of this Act
applies; and

35 (b) the Country Main Roads Fund, where the
toll work is situated within any area to
which Part V of this Act applies.

Any

Main Roads (Amendment).

5 Any payment under this subsection to a council in whose area the toll work is situated shall be expended on the said work in accordance with the agreement and the council shall account to the Commissioner therefor.

(4) The Governor may in any special case direct that work be carried out by the Commissioner.

10 (5) All work entrusted pursuant to this section to a council shall be carried out to the satisfaction of the Commissioner.

15 31E. (1) The Commissioner may levy tolls and charges in connection with traffic using a toll work. ^{Tolls and charges.} The amount of the tolls and charges and the method of collection of the tolls and charges in respect of a toll work shall be as prescribed by ordinance under section fifty-one of this Act. Such ordinance may vary according to classes of vehicles, impose different tolls and charges in respect of 20 different classes of vehicles and exempt certain classes of vehicles from such tolls or charges.

25 (2) All moneys received from tolls or charges imposed under this Act in respect of a toll work shall be applied in the first place towards the cost of repairing and maintaining the toll work and the collection of the tolls and charges, and in the next place towards the cost of constructing the toll work and of acquiring land therefor and the repayment of any loan in connection therewith.

30 (3) (a) When the Governor is satisfied that all moneys expended upon the construction of the toll work, the acquisition of land in connection therewith, the repair and maintenance of the toll work, the costs of collection of the tolls and charges and the interest, costs, charges and 35 expenses of any loan and of all matters incidental thereto, have been fully repaid out of the tolls and charges collected, he shall cause a notification to that effect to be published in the Gazette.

(b)

Main Roads (Amendment).

5 (b) Thereupon any ordinances made
under this Act imposing tolls and charges in respect
of a toll work the subject of a notification under
paragraph (a) of this subsection shall cease to have
force and effect, the provisions of this Act
authorising the imposition of tolls and charges in
respect of that toll work shall cease to have effect,
and the toll work shall cease to be a toll
work and may be proclaimed a road of a classifica-
10 tion empowered by this Act.

15 31F. (1) The length of a toll work shall be
deemed not to be a public street or public road
within the meaning of the Road Maintenance (Con-
tribution) Act, 1958, or the Local Government Act,
1919, as amended by subsequent Acts, or any
regulations or ordinances made thereunder.

Toll work
not public
street for
certain
purposes.

20 (2) The Governor may by proclamation
published in the Gazette declare that the provisions
of subsection one of this section shall apply to any
other Act or any regulation, ordinance, by-law or
the like made thereunder and such provisions shall
apply accordingly.

25 (3) Notwithstanding that the length of a
toll work is deemed not to be a public street within
the meaning of the Road Maintenance (Contribu-
tion) Act, 1958, as amended by subsequent Acts,
such length shall be recorded in the record of
journeys of commercial goods vehicles using such
30 toll work required to be kept under that Act, as so
amended, and upon proof of payment of the toll
or charge imposed in respect of the toll work
exemption in respect of the charges payable under
that Act, as so amended, in respect of that length
shall be made.

35 (4) The provisions of the Motor Traffic
Act, 1909, and the Metropolitan Traffic Act, 1900,
and any Acts amending such Acts, shall apply,
mutatis mutandis, to and in respect of a toll work
as if it were a public street.

(d)

Main Roads (Amendment).

- (d) by inserting in subsection one of section thirty-two after the words "and tourist roads," the words "and toll works,"; Sec. 32.
(When board may do work itself.)
- 5 (e) by inserting in subsection one of section thirty-three after the words "and tourist roads," the words "and toll works,"; Sec. 33.
(What works may be carried out.)
- (f) by inserting in subsection one of section thirty-four after the words "or tourist road" the words " , or toll work"; Sec. 34.
(Standard plans and specifications.)
- 10 (g) (i) by inserting in subsection one of section thirty-six after the words "or tourist road" where firstly occurring the words "or a toll work"; Sec. 36.
(Board given powers of council.)
- (ii) by inserting in the same subsection after the words "or tourist road" where secondly occurring the words " , or toll work";
- 15 (h) (i) by inserting in subsection one of section fifty-one after the words "main roads" wherever occurring the words "and toll works"; Sec. 51.
(Ordinances.)
- (ii) by inserting in paragraph (d1) of the same subsection after the words "main road" the words "or toll work";
- 20 (iii) by inserting next after paragraph (e) of the same subsection the following new paragraph :—
- 25 (e1) the application to toll works with such modification or variation as may be deemed necessary of such of the provisions of this Act relating to roads under this Act, the Local Government Act, 1919, as amended by subsequent
- 30 Acts, and any other Act, and any regulation, ordinance or by-law or the like made under this or any other Act as the Governor may deem desirable for the control, management, maintenance and
- 35 operation

Main Roads (Amendment).

operation of toll works and the use thereof by vehicles. Any such application may be made by reference to the particular section, subsection, regulation, ordinance, by-law, paragraph or other provision to be applied.

3. (1) The Main Roads Act, 1924-1964, is further amended—

Further amendment of Act No. 24, 1924.

(a) by omitting from section two the matter relating to Part VA and by inserting in lieu thereof the following matter :—

Sec. 2.
(Division into Parts.)

PART VA.—EXPENDITURE ON TRANSPORT WORKS—s. 27AA.

PART VAA.—MOTORWAYS—ss. 27B, 27C.

(b) by inserting next after subsection one of section three the following new subsection :—

Sec. 3.
(Interpretation.)

(1A) Any word or phrase used in subsection (1B) of section twelve, subsection (1B) of section twenty-one, section 27AA, or subsection (2A) of section twenty-nine of this Act which has a meaning ascribed thereto in the Commonwealth Aid Roads Act 1964 of the Parliament of the Commonwealth shall have the like meaning in the said subsection or section.

(c) by omitting paragraph (e) of subsection one of section ten and by inserting in lieu thereof the following paragraph :—

Sec. 10.
(County of Cumberland Main Roads Fund.)

(e) twenty per centum of the moneys, exclusive of the amount required to be expended under subsection two of section five of the Commonwealth Aid Roads Act 1964 of the Parliament of the Commonwealth, paid under sections three and four of the said Act to the State by the Commonwealth of Australia in respect of any year commencing on the first day of July;

(d)

Main Roads (Amendment).

- (d) by omitting subsection (1B) of section twelve and by inserting in lieu thereof the following subsection : — Sec. 12.
(Use of fund.)
- 5 (1B) That part of the County of Cumberland Main Roads Fund which consists of moneys paid into that fund in respect of any year pursuant to paragraph (e) of subsection one of section ten of this Act shall be expended on road construction or on research directly connected with the planning or design of roads or with road construction.
- 10
- (e) by omitting paragraph (d) of subsection one of section twenty and by inserting in lieu thereof the following paragraph : — Sec. 20.
(Country Main Roads Fund.)
- 15 (d) eighty per centum of the moneys, exclusive of the amount required to be expended under subsection two of section five of the Commonwealth Aid Roads Act 1964 of the Parliament of the Commonwealth, paid under sections three and four of the said Act to the State by the Commonwealth of Australia in respect of any year commencing on the first day of July;
- 20
- (f) by omitting subsection (1B) of section twenty-one and by inserting in lieu thereof the following subsection : — Sec. 21.
(Expenditure.)
- 25 (1B) That part of the Country Main Roads Fund which consists of moneys paid into that fund in respect of any year pursuant to paragraph (d) of subsection one of section twenty of this Act shall be expended on road construction or on research directly connected with the planning or design of roads or with road construction.
- 30
- (g) by omitting the heading "PART VA" and by inserting in lieu thereof the heading "PART VAA"; Part Va.
(Heading.)
- (h)

Main Roads (Amendment).

(h) by inserting next after section 27A the following new Part : — New Part VA.

PART VA.

EXPENDITURE ON TRANSPORT WORKS.

5 27AA. Notwithstanding the provisions of sub-
 section (1B) of section twelve and subsection (1B) Expendi-
 ture on
 transport
 works.
 of section twenty-one of this Act, there may be
 expended in respect of any year out of the aggregate
 10 of moneys paid into the County of Cumberland
 Main Roads Fund and the Country Main Roads
 Fund pursuant to paragraph (e) of subsection one
 of section ten and paragraph (d) of subsection one
 of section twenty of this Act, respectively, on the
 15 construction of works that are not roads but are
 directly connected with transport by road or water
 an amount not exceeding the amount which bears
 to one million pounds the same proportion as the
 amount payable under section three of the
 20 Commonwealth Aid Roads Act 1964 of the
 Parliament of the Commonwealth to the State of
 New South Wales in respect of that year bears to
 the total amount payable under the said section
 three to all the States in respect of that year.

25 Any amount expended pursuant to the foregoing
 provisions of this section shall be borne by each of
 the funds above referred to in such proportions as
 the Commissioner may determine.

30 (i) (i) by omitting paragraph (b) of subsection one of Sec. 29.
 (Develop-
 mental
 Roads
 Fund.)
 section twenty-nine and by inserting in lieu
 thereof the following paragraph : —

35 (b) those moneys paid to the Commissioner
 out of the amount required to be
 expended under subsection two of
 section five of the Commonwealth Aid
 Roads Act 1964 of the Parliament of
 the Commonwealth from the moneys
 paid under that Act to the State by the
 Commonwealth

Main Roads (Amendment).

Commonwealth of Australia in respect
of any year commencing on the first
day of July;

5 (ii) by omitting subsection (2A) of the same section
and by inserting in lieu thereof the following
subsection : —

10 (2A) That part of the Developmental
Roads Fund which consists of moneys paid
into that fund in respect of any year pursuant
to paragraph (b) of subsection one of this
section shall be expended on road construction
of developmental roads in rural areas.

(2) Subsection one of this section shall be deemed to
have commenced on the first day of July, one thousand nine
15 hundred and sixty-four.

4. The Main Roads Act, 1924-1964, is further amended
by inserting next after paragraph (3) of section forty-eight
the following new paragraph : —

20 (3A) carry out, or agree with any person for the carrying
out of, or make contributions to any person carrying
out, research connected with the planning or design
of roads, the construction and maintenance of
roads, or roadsides and the use of roads.

Further
amendment
of Act No.
24, 1924.
Sec. 48.
(Various
powers of
board.)

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, SYDNEY, NEW SOUTH WALES—1965

[1s. 0d. (10c)]

No. , 1965.

A BILL

To authorise the proclamation of certain works designed to facilitate the movement of motor traffic between Sydney and Newcastle as toll works and the imposition of tolls and charges on toll works; to make further provision with respect to moneys paid to the State under the Commonwealth Aid Roads Act 1964, and the carrying out of research work connected with roads; for these and other purposes to amend the Main Roads Act, 1924-1964, and certain other Acts; to validate certain matters; and for purposes connected therewith.

[MR. MORTON;—18 *November*, 1965.]

BE

Main Roads (Amendment) (No. 2).

BE it enacted by the Queen'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 :—

1. (1) This Act may be cited as the "Main Roads (Amendment) Act, 1965" (No. 2). Short title and citation.

(2) The Main Roads Act, 1924, as amended by subsequent Acts and by this Act, may be cited as the Main Roads Act, 1924-1965.

2. The Main Roads Act, 1924-1964, is amended— Amendment of Act No. 24, 1924.

(a) by inserting in section two next after the matter relating to Part VI B the following new matter :— Sec. 2. (Division into Parts.)

PART VI C.—TOLL WORKS—SS. 31C-31F.

15 (b) (i) by inserting in the definition of "Maintenance" in subsection one of section three after the words "or tourist road," wherever occurring the words "or toll work,"; Sec. 3. (Interpretation.)

20 (ii) by inserting in the same definition after the words "such road" the words "or toll work";

(iii) by inserting in the definition of "Permanent improvement" in the same subsection after the words "or tourist road," wherever occurring the words "or toll work,";

25 (iv) by inserting in the same subsection next after the definition of "State highway" the following new definition :—

30 "Toll work" means work proclaimed as a toll work under section 31C of this Act or any part of such work.

(c)

Main Roads (Amendment) (No. 2).

(c) by inserting next after Part VI B the following new ^{New Part} Part :— ^{VIc.}

PART VIc.

TOLL WORKS.

5 31c. The Governor may, on the recommenda- ^{Toll works.}
tion of the Commissioner, proclaim as a toll work
any work under this Act which is designed to
facilitate the movement of motor traffic between
10 Sydney and Newcastle and which at the com-
mencement of the Main Roads (Amendment) Act,
1965, is in the course of being carried out or
which after such commencement is, or is to be,
carried out.

15 31D. (1) The Commissioner shall decide what ^{Decision}
works of construction or maintenance shall be ^{as to}
carried out on a toll work. Before deciding the ^{works.}
Commissioner shall consider the representations, if
any, of the councils of the areas in which the toll
work will be or is situated.

20 (2) Where the Commissioner has decided
that any work of construction or maintenance is
necessary on a toll work he may, except where
authorised by the Governor to carry out the work,
offer to place the carrying out of the work in the
25 hands of the council, and to make an agreement
with the council accordingly.

30 (3) The cost of works of construction or
maintenance carried out on a toll work, or, where
an agreement under this section provides for pay-
ment of the cost by instalments, the instalments,
shall be paid from—

35 (a) the County of Cumberland Main Roads
Fund, where the toll work is situated within
any area to which Part IV of this Act
applies; and

(b) the Country Main Roads Fund, where the
toll work is situated within any area to
which Part V of this Act applies.

Any

Main Roads (Amendment) (No. 2).

5 Any payment under this subsection to a council in whose area the toll work is situated shall be expended on the said work in accordance with the agreement and the council shall account to the Commissioner therefor.

(4) The Governor may in any special case direct that work be carried out by the Commissioner.

10 (5) All work entrusted pursuant to this section to a council shall be carried out to the satisfaction of the Commissioner.

15 31E. (1) The Commissioner may levy tolls and charges in connection with traffic using a toll work. Tolls and charges.
The amount of the tolls and charges and the method of collection of the tolls and charges in respect of a toll work shall be as prescribed by ordinance under section fifty-one of this Act. Such ordinance may vary according to classes of vehicles, impose different tolls and charges in respect of different classes of vehicles and exempt certain classes of vehicles from such tolls or charges.

20
25 (2) All moneys received from tolls or charges imposed under this Act in respect of a toll work shall be applied in the first place towards the cost of repairing and maintaining the toll work and the collection of the tolls and charges, and in the next place towards the cost of constructing the toll work and of acquiring land therefor and the repayment of any loan in connection therewith.

30 (3) (a) When the Governor is satisfied that all moneys expended upon the construction of the toll work, the acquisition of land in connection therewith, the repair and maintenance of the toll work, the costs of collection of the tolls and charges and the interest, costs, charges and expenses of any loan and of all matters incidental thereto, have been fully repaid out of the tolls and charges collected, he shall cause a notification to that effect to be published in the Gazette.

(b)

Main Roads (Amendment) (No. 2).

5 (b) Thereupon any ordinances made under this Act imposing tolls and charges in respect of a toll work the subject of a notification under paragraph (a) of this subsection shall cease to have force and effect, the provisions of this Act authorising the imposition of tolls and charges in respect of that toll work shall cease to have effect, and the toll work shall cease to be a toll work and may be proclaimed a road of a classification empowered by this Act.

10 31F. (1) The length of a toll work shall be deemed not to be a public street or public road within the meaning of the Road Maintenance (Contribution) Act, 1958, or the Local Government Act, 1919, as amended by subsequent Acts, or any regulations or ordinances made thereunder. Toll work not public street for certain purposes.

15 (2) The Governor may by proclamation published in the Gazette declare that the provisions of subsection one of this section shall apply to any other Act or any regulation, ordinance, by-law or the like made thereunder and such provisions shall apply accordingly.

20 (3) Notwithstanding that the length of a toll work is deemed not to be a public street within the meaning of the Road Maintenance (Contribution) Act, 1958, as amended by subsequent Acts, such length shall be recorded in the record of journeys of commercial goods vehicles using such toll work required to be kept under that Act, as so amended, and upon proof of payment of the toll or charge imposed in respect of the toll work exemption in respect of the charges payable under that Act, as so amended, in respect of that length shall be made.

25 (4) The provisions of the Motor Traffic Act, 1909, and the Metropolitan Traffic Act, 1900, and any Acts amending such Acts, shall apply, mutatis mutandis, to and in respect of a toll work as if it were a public street.

(d)

Main Roads (Amendment) (No. 2).

- (d) by inserting in subsection one of section thirty-two after the words "and tourist roads," the words "and toll works,"; Sec. 32.
(When board may do work itself.)
- 5 (e) by inserting in subsection one of section thirty-three after the words "and tourist roads," the words "and toll works,"; Sec. 33.
(What works may be carried out.)
- (f) by inserting in subsection one of section thirty-four after the words "or tourist road" the words "; or toll work"; Sec. 34.
(Standard plans and specifications.)
- 10 (g) (i) by inserting in subsection one of section thirty-six after the words "or tourist road" where firstly occurring the words "or a toll work"; Sec. 36.
(Board given powers of council.)
- (ii) by inserting in the same subsection after the words "or tourist road" where secondly occurring the words "; or toll work"; 15
- (h) (i) by inserting in subsection one of section fifty-one after the words "main roads" wherever occurring the words "and toll works"; Sec. 51.
(Ordinances.)
- (ii) by inserting in paragraph (d1) of the same subsection after the words "main road" the words "or toll work"; 20
- (iii) by inserting next after paragraph (e) of the same subsection the following new paragraph : —
- 25 (e1) the application to toll works with such modification or variation as may be deemed necessary of such of the provisions of this Act relating to roads under this Act, the Local Government Act, 1919, as amended by subsequent
- 30 Acts, and any other Act, and any regulation, ordinance or by-law or the like made under this or any other Act as the Governor may deem desirable for the control, management, maintenance and
- 35 operation

Main Roads (Amendment) (No. 2).

operation of toll works and the use thereof by vehicles. Any such application may be made by reference to the particular section, subsection, regulation, ordinance, by-law, paragraph or other provision to be applied.

5

3. (1) The Main Roads Act, 1924-1964, is further amended—

Further amendment of Act No. 24, 1924.

10 (a) by omitting from section two the matter relating to Part VA and by inserting in lieu thereof the following matter :—

Sec. 2. (Division into Parts.)

PART VA.—EXPENDITURE ON TRANSPORT WORKS—s. 27AA.

PART VAA.—MOTORWAYS—ss. 27B, 27C.

15 (b) by inserting next after subsection one of section three the following new subsection :—

Sec. 3. (Interpretation.)

20 (1A) Any word or phrase used in subsection (1B) of section twelve, subsection (1B) of section twenty-one, section 27AA, or subsection (2A) of section twenty-nine of this Act which has a meaning ascribed thereto in the Commonwealth Aid Roads Act 1964 of the Parliament of the Commonwealth shall have the like meaning in the said subsection or section.

25 (c) by omitting paragraph (e) of subsection one of section ten and by inserting in lieu thereof the following paragraph :—

Sec. 10. (County of Cumberland Main Roads Fund.)

30 (e) twenty per centum of the moneys, exclusive of the amount required to be expended under subsection two of section five of the Commonwealth Aid Roads Act 1964 of the Parliament of the Commonwealth, paid under sections three and four of the said Act to the State by the Commonwealth of Australia in respect of any year commencing on
35 the first day of July ;

(d)

Main Roads (Amendment) (No. 2).

- (d) by omitting subsection (1B) of section twelve and by inserting in lieu thereof the following subsection :— Sec. 12.
(Use of fund.)

5 (1B) That part of the County of Cumberland Main Roads Fund which consists of moneys paid into that fund in respect of any year pursuant to paragraph (e) of subsection one of section ten of this Act shall be expended on road construction or on research directly connected with the planning or design of roads or with road construction.

10

- (e) by omitting paragraph (d) of subsection one of section twenty and by inserting in lieu thereof the following paragraph :— Sec. 20.
(Country Main Roads Fund.)

15 (d) eighty per centum of the moneys, exclusive of the amount required to be expended under subsection two of section five of the Commonwealth Aid Roads Act 1964 of the Parliament of the Commonwealth, paid under sections three and four of the said Act to the State by the Commonwealth of Australia in respect of any year commencing on the first day of July;

20

- (f) by omitting subsection (1B) of section twenty-one and by inserting in lieu thereof the following subsection :— Sec. 21.
(Expenditure.)
- 25

(1B) That part of the Country Main Roads Fund which consists of moneys paid into that fund in respect of any year pursuant to paragraph (d) of subsection one of section twenty of this Act shall be expended on road construction or on research directly connected with the planning or design of roads or with road construction.

30

- (g) by omitting the heading "PART VA" and by inserting in lieu thereof the heading "PART VAA"; Part VA.
(Heading.)

(h)

Main Roads (Amendment) (No. 2).

(h) by inserting next after section 27A the following new Part :— New Part VA.

PART VA.

EXPENDITURE ON TRANSPORT WORKS.

5 27AA. Notwithstanding the provisions of sub- Expendi-
 section (1B) of section twelve and subsection (1B) ture on
 of section twenty-one of this Act, there may be transport
 expended in respect of any year out of the aggregate works.
 10 of moneys paid into the County of Cumberland
 Main Roads Fund and the Country Main Roads
 Fund pursuant to paragraph (e) of subsection one
 of section ten and paragraph (d) of subsection one
 15 of section twenty of this Act, respectively, on the
 construction of works that are not roads but are
 directly connected with transport by road or water
 an amount not exceeding the amount which bears
 20 to one million pounds the same proportion as the
 amount payable under section three of the
 Commonwealth Aid Roads Act 1964 of the
 Parliament of the Commonwealth to the State of
 New South Wales in respect of that year bears to
 the total amount payable under the said section
 three to all the States in respect of that year.

25 Any amount expended pursuant to the foregoing
 provisions of this section shall be borne by each of
 the funds above referred to in such proportions as
 the Commissioner may determine.

30 (i) (i) by omitting paragraph (b) of subsection one of Sec. 29.
 section twenty-nine and by inserting in lieu (Develop-
 thereof the following paragraph :— mental
 Roads
 Fund.)

35 (b) those moneys paid to the Commissioner
 out of the amount required to be
 expended under subsection two of
 section five of the Commonwealth Aid
 Roads Act 1964 of the Parliament of
 the Commonwealth from the moneys
 paid under that Act to the State by the
 Commonwealth

Main Roads (Amendment) (No. 2).

Commonwealth of Australia in respect of any year commencing on the first day of July;

5 (ii) by omitting subsection (2A) of the same section and by inserting in lieu thereof the following subsection :—

10 (2A) That part of the Developmental Roads Fund which consists of moneys paid into that fund in respect of any year pursuant to paragraph (b) of subsection one of this section shall be expended on road construction of developmental roads in rural areas.

(2) Subsection one of this section shall be deemed to have commenced on the first day of July, one thousand nine hundred and sixty-four.

4. The Main Roads Act, 1924-1964, is further amended by inserting next after paragraph (3) of section forty-eight the following new paragraph :—

Further amendment of Act No. 24, 1924. Sec. 48. (Various powers of board.)

20 (3A) carry out, or agree with any person for the carrying out of, or make contributions to any person carrying out, research connected with the planning or design of roads, the construction and maintenance of roads, or roadsides and the use of roads.

BY AUTHORITY:

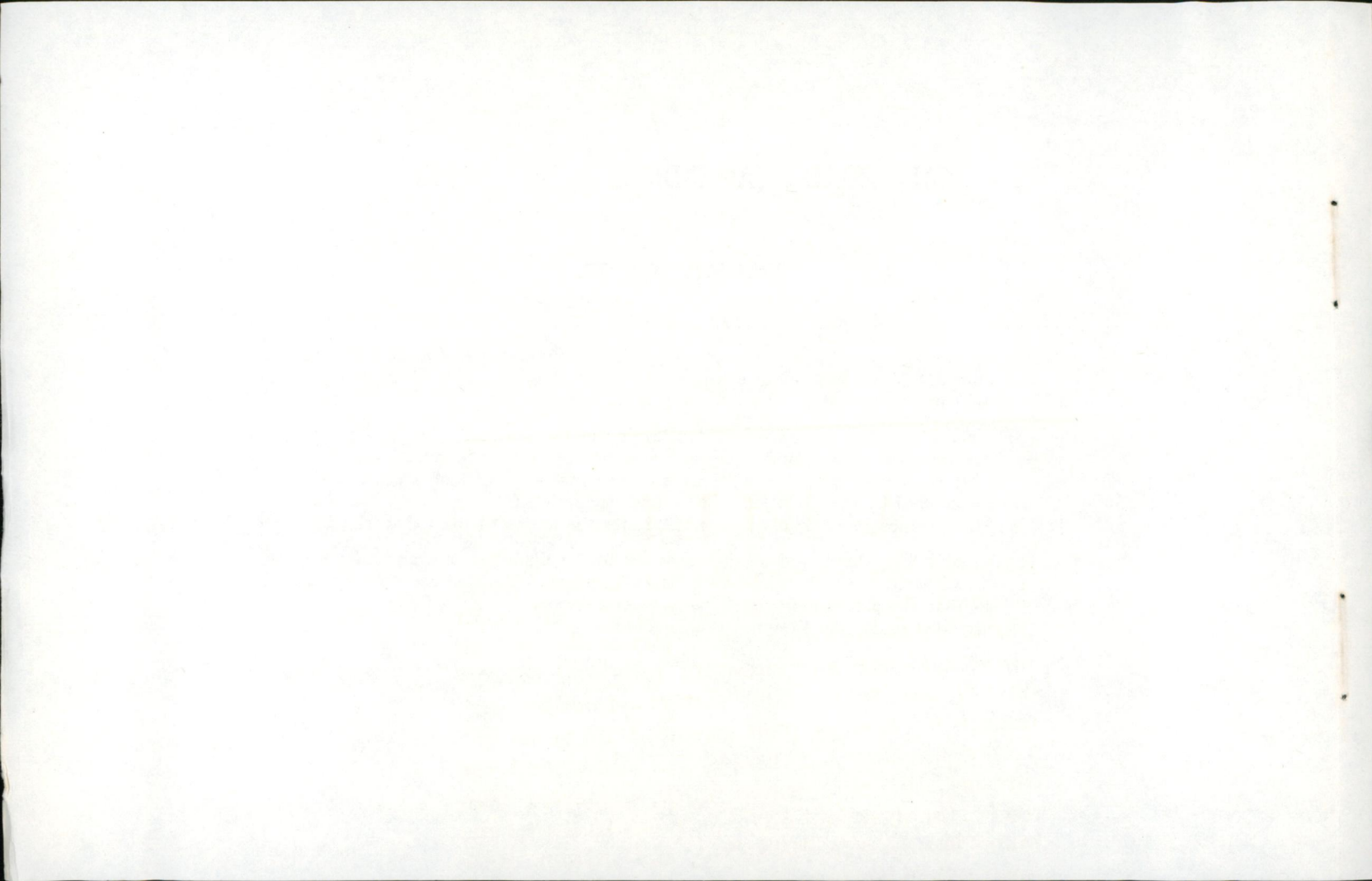
V. C. N. BLIGHT, GOVERNMENT PRINTER, SYDNEY, NEW SOUTH WALES—1965 [1s. 6d. (15c)]

MAIN ROADS (AMENDMENT) BILL, 1965

EXPLANATORY NOTE.

THE objects of this Bill are to make provision for—

- (a) the application of moneys received by the Commissioner for Main Roads pursuant to the Commonwealth Aid Roads Act 1964 of the Parliament of the Commonwealth ;
- (b) the proclamation of toll works, the levying of tolls to be applied towards the cost of constructing and maintaining same, the discontinuance of the toll after repayment and thereafter its proclamation as a road of a classification empowered by the Main Roads Act, and exemption from tax under the Road Maintenance (Contribution) Act, 1958, for the length of the toll work ;
- (c) research by extending the existing power to the planning or design of roads, the construction and maintenance of roads, or roadsides and the use of roads so that State revenue may be expended thereon as allowed from moneys provided under the Commonwealth Aid Roads Act 1964 ; and
- (d) other matters of a minor or ancillary nature.



PROOF

No. , 1965.

A BILL

To authorise the proclamation of certain works designed to facilitate the movement of motor traffic between Sydney and Newcastle as toll works and the imposition of tolls and charges on toll works; to make further provision with respect to moneys paid to the State under the Commonwealth Aid Roads Act 1964, and the carrying out of research work connected with roads; for these and other purposes to amend the Main Roads Act, 1924-1964, and certain other Acts; to validate certain matters; and for purposes connected therewith.

[MR. MORTON ;—18 *November*, 1965.]

BE

Main Roads (Amendment) (No. 2).

BE it enacted by the Queen'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 :—

1. (1) This Act may be cited as the "Main Roads (Amendment) Act, 1965" (No. 2). Short title and citation.

(2) The Main Roads Act, 1924, as amended by subsequent Acts and by this Act, may be cited as the Main Roads Act, 1924-1965.

2. The Main Roads Act, 1924-1964, is amended— Amendment of Act No. 24, 1924.

(a) by inserting in section two next after the matter relating to Part VIB the following new matter :— Sec. 2. (Division into Parts.)

PART VIC.—TOLL WORKS—ss. 31C-31F.

15 (b) (i) by inserting in the definition of "Maintenance" in subsection one of section three after the words "or tourist road," wherever occurring the words "or toll work,"; Sec. 3. (Interpretation.)

20 (ii) by inserting in the same definition after the words "such road" the words "or toll work";

(iii) by inserting in the definition of "Permanent improvement" in the same subsection after the words "or tourist road," wherever occurring the words "or toll work,";

25 (iv) by inserting in the same subsection next after the definition of "State highway" the following new definition :—

"Toll work" means work proclaimed as a toll work under section 31C of this Act or any part of such work.

30

(c)

Main Roads (Amendment) (No. 2).

(c) by inserting next after Part VI^B the following new Part :— New Part VI^C.

PART VI^C.

TOLL WORKS.

5 31C. The Governor may, on the recommenda-^{Toll works.}
tion of the Commissioner, proclaim as a toll work
any work under this Act which is designed to
facilitate the movement of motor traffic between
10 Sydney and Newcastle and which at the com-
mencement of the Main Roads (Amendment) Act,
1965, is in the course of being carried out or
which after such commencement is, or is to be,
carried out.

15 31D. (1) The Commissioner shall decide what ^{Decision}
works of construction or maintenance shall be ^{as to}
carried out on a toll work. Before deciding the ^{works.}
Commissioner shall consider the representations, if
any, of the councils of the areas in which the toll
work will be or is situated.

20 (2) Where the Commissioner has decided
that any work of construction or maintenance is
necessary on a toll work he may, except where
authorised by the Governor to carry out the work,
offer to place the carrying out of the work in the
25 hands of the council, and to make an agreement
with the council accordingly.

30 (3) The cost of works of construction or
maintenance carried out on a toll work, or, where
an agreement under this section provides for pay-
ment of the cost by instalments, the instalments,
shall be paid from—

35 (a) the County of Cumberland Main Roads
Fund, where the toll work is situated within
any area to which Part IV of this Act
applies; and

(b) the Country Main Roads Fund, where the
toll work is situated within any area to
which Part V of this Act applies.

Any

Main Roads (Amendment) (No. 2).

5 Any payment under this subsection to a council in whose area the toll work is situated shall be expended on the said work in accordance with the agreement and the council shall account to the Commissioner therefor.

(4) The Governor may in any special case direct that work be carried out by the Commissioner.

10 (5) All work entrusted pursuant to this section to a council shall be carried out to the satisfaction of the Commissioner.

15 31E. (1) The Commissioner may levy tolls and charges in connection with traffic using a toll work. ^{Tolls and charges.} The amount of the tolls and charges and the method of collection of the tolls and charges in respect of a toll work shall be as prescribed by ordinance under section fifty-one of this Act. Such ordinance may vary according to classes of vehicles, impose different tolls and charges in respect of

20 different classes of vehicles and exempt certain classes of vehicles from such tolls or charges.

(2) All moneys received from tolls or charges imposed under this Act in respect of a toll work shall be applied in the first place towards the cost of repairing and maintaining the toll work and the collection of the tolls and charges, and in the next place towards the cost of constructing the toll work and of acquiring land therefor and the repayment of any loan in connection therewith.

25

30 (3) (a) When the Governor is satisfied that all moneys expended upon the construction of the toll work, the acquisition of land in connection therewith, the repair and maintenance of the toll work, the costs of collection of the tolls and charges and the interest, costs, charges and expenses of any loan and of all matters incidental thereto, have been fully repaid out of the tolls and charges collected, he shall cause a notification to that effect to be published in the Gazette.

35

(b)

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5 (b) Thereupon any ordinances made under this Act imposing tolls and charges in respect of a toll work the subject of a notification under paragraph (a) of this subsection shall cease to have force and effect, the provisions of this Act authorising the imposition of tolls and charges in respect of that toll work shall cease to have effect, and the toll work shall cease to be a toll work and may be proclaimed a road of a classification empowered by this Act.

10 31F. (1) The length of a toll work shall be deemed not to be a public street or public road within the meaning of the Road Maintenance (Contribution) Act, 1958, or the Local Government Act, 1919, as amended by subsequent Acts, or any regulations or ordinances made thereunder.

Toll work not public street for certain purposes.

15 (2) The Governor may by proclamation published in the Gazette declare that the provisions of subsection one of this section shall apply to any other Act or any regulation, ordinance, by-law or the like made thereunder and such provisions shall apply accordingly.

20 (3) Notwithstanding that the length of a toll work is deemed not to be a public street within the meaning of the Road Maintenance (Contribution) Act, 1958, as amended by subsequent Acts, such length shall be recorded in the record of journeys of commercial goods vehicles using such toll work required to be kept under that Act, as so amended, and upon proof of payment of the toll or charge imposed in respect of the toll work exemption in respect of the charges payable under that Act, as so amended, in respect of that length shall be made.

25 (4) The provisions of the Motor Traffic Act, 1909, and the Metropolitan Traffic Act, 1900, and any Acts amending such Acts, shall apply, mutatis mutandis, to and in respect of a toll work as if it were a public street.

(d)

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- (d) by inserting in subsection one of section thirty-two after the words "and tourist roads," the words "and toll works,"; Sec. 32. (When board may do work itself.)
- 5 (e) by inserting in subsection one of section thirty-three after the words "and tourist roads," the words "and toll works,"; Sec. 33. (What works may be carried out.)
- (f) by inserting in subsection one of section thirty-four after the words "or tourist road" the words ", or toll work"; Sec. 34. (Standard plans and specifications.)
- 10 (g) (i) by inserting in subsection one of section thirty-six after the words "or tourist road" where firstly occurring the words "or a toll work"; Sec. 36. (Board given powers of council.)
- (ii) by inserting in the same subsection after the words "or tourist road" where secondly occurring the words ", or toll work";
- 15 (h) (i) by inserting in subsection one of section fifty-one after the words "main roads" wherever occurring the words "and toll works"; Sec. 51. (Ordinances.)
- (ii) by inserting in paragraph (d1) of the same subsection after the words "main road" the words "or toll work";
- 20 (iii) by inserting next after paragraph (e) of the same subsection the following new paragraph:—
- 25 (e1) the application to toll works with such modification or variation as may be deemed necessary of such of the provisions of this Act relating to roads
- 30 under this Act, the Local Government Act, 1919, as amended by subsequent Acts, and any other Act, and any regulation, ordinance or by-law or the like
- 35 made under this or any other Act as the Governor may deem desirable for the control, management, maintenance and operation

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5 operation of toll works and the use thereof by vehicles. Any such application may be made by reference to the particular section, subsection, regulation, ordinance, by-law, paragraph or other provision to be applied.

3. (1) The Main Roads Act, 1924-1964, is further amended—

Further amendment of Act No. 24, 1924.

10 (a) by omitting from section two the matter relating to Part VA and by inserting in lieu thereof the following matter :—

Sec. 2.
(Division into Parts.)

PART VA.—EXPENDITURE ON TRANSPORT WORKS—s. 27AA.

PART VAA.—MOTORWAYS—ss. 27B, 27C.

15 (b) by inserting next after subsection one of section three the following new subsection :—

Sec. 3.
(Interpretation.)

20 (1A) Any word or phrase used in subsection (1B) of section twelve, subsection (1B) of section twenty-one, section 27AA, or subsection (2A) of section twenty-nine of this Act which has a meaning ascribed thereto in the Commonwealth Aid Roads Act 1964 of the Parliament of the Commonwealth shall have the like meaning in the said subsection or section.

25 (c) by omitting paragraph (e) of subsection one of section ten and by inserting in lieu thereof the following paragraph :—

Sec. 10.
(County of Cumberland Main Roads Fund.)

30 (e) twenty per centum of the moneys, exclusive of the amount required to be expended under subsection two of section five of the Commonwealth Aid Roads Act 1964 of the Parliament of the Commonwealth, paid under sections three and four of the said Act to the State by the Commonwealth of Australia in respect of any year commencing on the first day of July;

(d)

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- (d) by omitting subsection (1B) of section twelve and
by inserting in lieu thereof the following sub-
section :—

Sec. 12.
(Use of
fund.)

5 (1B) That part of the County of Cumberland
Main Roads Fund which consists of moneys paid
into that fund in respect of any year pursuant to
paragraph (e) of subsection one of section ten of
10 this Act shall be expended on road construction or
on research directly connected with the planning or
design of roads or with road construction.

- (e) by omitting paragraph (d) of subsection one of
section twenty and by inserting in lieu thereof the
following paragraph :—

Sec. 20.
(Country
Main
Roads
Fund.)

15 (d) eighty per centum of the moneys, exclusive
of the amount required to be expended
under subsection two of section five of the
Commonwealth Aid Roads Act 1964 of the
Parliament of the Commonwealth, paid
20 under sections three and four of the said
Act to the State by the Commonwealth of
Australia in respect of any year commencing
on the first day of July;

- (f) by omitting subsection (1B) of section twenty-one
and by inserting in lieu thereof the following sub-
section :—

Sec. 21.
(Expendi-
ture.)

25 (1B) That part of the Country Main Roads
Fund which consists of moneys paid into that fund
in respect of any year pursuant to paragraph (d)
of subsection one of section twenty of this Act shall
30 be expended on road construction or on research
directly connected with the planning or design of
roads or with road construction.

- (g) by omitting the heading "PART VA" and by insert-
ing in lieu thereof the heading "PART VAA";

Part VA.
(Heading.)

(h)

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- (h) by inserting next after section 27A the following new Part :— New Part VA.

PART VA.

EXPENDITURE ON TRANSPORT WORKS.

5 27AA. Notwithstanding the provisions of sub- Expendi-
ture on
transport
works.
section (1B) of section twelve and subsection (1B)
of section twenty-one of this Act, there may be
expended in respect of any year out of the aggregate
10 of moneys paid into the County of Cumberland
Main Roads Fund and the Country Main Roads
Fund pursuant to paragraph (e) of subsection one
of section ten and paragraph (d) of subsection one
of section twenty of this Act, respectively, on the
15 construction of works that are not roads but are
directly connected with transport by road or water
an amount not exceeding the amount which bears
to one million pounds the same proportion as the
amount payable under section three of the
20 Commonwealth Aid Roads Act 1964 of the
Parliament of the Commonwealth to the State of
New South Wales in respect of that year bears to
the total amount payable under the said section
three to all the States in respect of that year.

25 Any amount expended pursuant to the foregoing
provisions of this section shall be borne by each of
the funds above referred to in such proportions as
the Commissioner may determine.

- 30 (i) (i) by omitting paragraph (b) of subsection one of Sec. 29.
(Develop-
mental
Roads
Fund.)
section twenty-nine and by inserting in lieu
thereof the following paragraph :—

35 (b) those moneys paid to the Commissioner
out of the amount required to be
expended under subsection two of
section five of the Commonwealth Aid
Roads Act 1964 of the Parliament of
the Commonwealth from the moneys
paid under that Act to the State by the

Commonwealth

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Commonwealth of Australia in respect
of any year commencing on the first
day of July;

- 5 (ii) by omitting subsection (2A) of the same section
and by inserting in lieu thereof the following
subsection :—

10 (2A) That part of the Developmental
Roads Fund which consists of moneys paid
into that fund in respect of any year pursuant
to paragraph (b) of subsection one of this
section shall be expended on road construction
of developmental roads in rural areas.

(2) Subsection one of this section shall be deemed to
have commenced on the first day of July, one thousand nine
15 hundred and sixty-four.

4. The Main Roads Act, 1924-1964, is further amended
by inserting next after paragraph (3) of section forty-eight
the following new paragraph :—

- 20 (3A) carry out, or agree with any person for the carrying
out of, or make contributions to any person carrying
out, research connected with the planning or design
of roads, the construction and maintenance of
roads, or roadsides and the use of roads.

Further
amendment
of Act No.
24, 1924.
Sec. 48.
(Various
powers of
board.)