

TRAFFIC (No. 2).

13° Elizabeth II., No. LXVII.

No. 67 of 1964.

AN ACT to amend the Traffic Act, 1919-1963, and for incidental and other purposes.

[Assented to 4th December, 1964.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title and citation.

1. (1) This Act may be cited as the *Traffic Act Amendment Act (No. 2), 1964.*

Reprinted, as approved for reprint 15th June, 1964.

(2) In this Act the Traffic Act, 1919-1963, is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Traffic Act, 1919-1964.

2. This Act shall come into operation on a date to be fixed by proclamation. Commencement.

3. Section four of the principal Act is amended— S. 4 amended.

(a) by adding, immediately before the interpretation, “district”, the following interpretation—

“base year sum”, in relation to a local authority, means the aggregate of the fees for licenses and for the renewal and transfer of licenses or registrations paid to that local authority during the year that ended on the thirtieth day of June, nineteen hundred and fifty-nine; ;

(b) by adding, immediately after the interpretation, “motor vehicle”, the following interpretation—

“municipality” has the same meaning as that expression has in, and for the purposes of, the Local Government Act, 1960; ;

and

(c) by adding, immediately after the interpretation, “road”, the following interpretation—

“road construction” includes the reconstruction, maintenance and repair of roads and the purchase of road-making plant; .

4. Section eleven A of the principal Act is repealed and the following sections are enacted— S. 11A repealed and other sections substituted.

11A. (1) The Central Road Trust Fund and the Metropolitan Traffic Trust Account established under this Act are continued and shall be administered by the Commissioner of Main Roads and the Commissioner of Police, respectively. Trust funds.

(2) Notwithstanding the provisions of any other Act, the moneys payable to the State pursuant to section four of the Commonwealth

Aid Roads Act, 1964, of the Commonwealth, shall be paid to the credit of the Central Road Trust Fund.

Fees recovered by local authorities outside metropolitan area.

11AA. (1) This section applies only to those local authorities that are not wholly within the metropolitan area.

(2) Every local authority to which this section applies is authorised to retain, out of the fees for licenses and the renewal and transfer of licenses or registrations paid to it in any financial year, an amount not exceeding the base year sum of that local authority; and the local authority shall expend at least three-fourths of the amount so retained on road construction in its district.

(3) Where, in any financial year, any amount of fees in this section mentioned is paid to a local authority, after it has received the base year sum the local authority shall pay that amount to the credit of the Central Road Trust Fund on or before the fifteenth day of the month next following that in which it was received.

Commissioner of Police to be licensing authority of metropolitan area.

11AB. The Commissioner of Police is the licensing authority and the only licensing authority for every district and sub-district comprised in the metropolitan area and shall have and may exercise in that area such powers and discretions with regard to the issue, renewal and transfer of licenses and the effecting of registrations as are conferred by this Act upon local authorities, generally.

Fees recovered by Commissioner of Police.

11AC. (1) The Commissioner of Police shall pay to the Treasury to the credit of the Metropolitan Traffic Trust Account all fees from time to time paid to him for licenses, renewals and transfers of licenses and registrations.

(2) The Treasurer shall from time to time pay out of the Metropolitan Traffic Trust Account to the credit of the Central Road Trust Fund any amount by which payments made by

the Commissioner of Police pursuant to subsection (1) of this section, in any financial year, exceed, in the aggregate, the base year sum for the metropolitan area. .

5. Section thirteen of the principal Act is amended by repealing subsection (3) and re-enacting it with amendments as follows—

S. 13
amended.

(3) All fees charged for refunds under this section shall be paid by the local authority to the credit of the Central Road Trust Fund. .

6. Section fourteen of the principal Act is repealed and the following sections are enacted—

S. 14
repealed and
sections
substituted.

14. (1) Subject to the succeeding provisions of this section, the Commissioner of Main Roads shall pay out of the moneys standing to the credit of the Central Road Trust Fund—

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of Central
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Fund.

(a) in each of the months of January, February, March, April, May and June, of the year nineteen hundred and sixty-five, to each local authority outside the metropolitan area, to the council of each municipality within the metropolitan area and to the Board controlling Reserve A1720 (King's Park), a grant equal to one-sixth of the respective payments made from the Central Road Trust Fund to those authorities, in the month of July, nineteen hundred and sixty-four; and

(b) during the month of July, nineteen hundred and sixty-five and in each successive month thereafter—

(i) to each local authority outside the metropolitan area, a grant in an amount exceeding by seventy-five per centum one-twelfth of the amount paid by the local authority to the credit of the Central Road Trust Fund under the provisions of section

eleven AA of this Act, during the financial year ending on the thirtieth day of June immediately prior to the payment of the grant;

- (ii) to the councils of the municipalities within, or that have a sub-district within, the metropolitan area and to the Board controlling Reserve A1720 (King's Park), a grant in such shares as the Minister may from time to time determine of an amount exceeding by seventy-five per centum one-half of the amount paid to the credit of the Central Road Trust Fund by the Treasurer under the provisions of subsection (2) of section eleven AC of this Act, during the financial year that ended on the thirtieth day of June immediately prior to the payment of the grant.

(2) The Commissioner of Main Roads, in making any payment authorised under this section, shall make such adjustments in respect of any money erroneously or improperly paid to the credit of the Central Road Trust Fund, contrary to the provisions of section eleven AA of this Act, as the circumstances may, from time to time, require.

(3) Every grant made to a local authority or other body under the provisions of subsection (1) of this section shall be expended on road construction.

(4) The Commissioner of Main Roads shall, in each financial year, pay out of the Central Road Trust Fund to the credit of the Consolidated Revenue Fund such amount as the Treasurer may determine, as a contribution towards the payment of interest and sinking

fund contributions payable on loan moneys that have, from time to time, been appropriated by Parliament, for expenditure on road construction.

(5) The Commissioner of Main Roads shall, after providing for the payments authorised to be made by subsections (1) and (4) of this section, pay the balance of the moneys for that financial year then remaining in the Central Road Trust Fund to the credit of the Main Roads Trust Account, established under the Main Roads Act, 1930, and shall expend those moneys on—

- (a) road construction;
- (b) research relating to road construction; and
- (c) making payments to local authorities or councils of municipalities for road construction.

14A. (1) Moneys paid to the Metropolitan Traffic Trust Account shall be charged with an amount of one hundred and twenty thousand pounds, annually, for the cost of collection of those moneys and of licensing administration.

Application
of Metro-
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Account.

(2) After making provision for the charge provided by subsection (1) of this section, the balance of the moneys standing to the credit of the Metropolitan Traffic Trust Account shall be divided into two equal amounts of which—

- (a) one shall during the course of each financial year be paid to, and divided among, the councils of the municipalities comprised in, or that have a subdistrict in, the metropolitan area and the Board controlling Reserve A1720 (King's Park) in such shares as the Minister may, from time to time, determine; and
- (b) one shall during the course of each financial year be paid to the credit of the Main Roads Trust Account,

established under the Main Roads Act, 1930, and shall be expended for the purposes mentioned in subsections (4) and (6) of this section.

(3) Any moneys paid to any authority pursuant to paragraph (a) of subsection (2) of this section shall be expended by that authority on road construction.

(4) The Minister may, from time to time, approve of the provision and maintenance, in the metropolitan area, of such lights and signs for the direction of traffic as he thinks fit, and may authorise payment, not exceeding sixty thousand pounds in any one financial year, for their provision and maintenance out of the one-half of the net balance mentioned in paragraph (b) of subsection (2) of this section, and may cancel, or, from time to time, vary an approval or authorisation given by him under this subsection.

(5) Where under subsection (4) of this section the Minister has approved of the provision and maintenance of lights and signs for the direction of traffic and has authorised payment in any one financial year for their provision and maintenance, if the amount so authorised for the payment has not been expended in that year, the unexpended balance of that amount may, to the extent that it is not affected by a cancellation or variation made under that subsection of the approval or authorisation, be expended in the provision and maintenance of those lights and signs at any time after the expiration of that year.

(6) The Commissioner of Main Roads shall set apart and apply the moneys paid to him pursuant to the provisions of subsection (2) of this section for the purposes following—

(a) in payment of the costs incurred by the Minister under section eighty-six of the Public Works Act, 1902, in any financial year in repairing Stirling Highway from Winthrop Avenue to the North Fremantle bridge; the roadway

or decking of the Perth causeway; the roadway or decking of the North Fremantle bridge; that portion of road (known as Great Eastern Highway) starting at the present north-east boundary of the City of Perth and proceeding thence along roads Nos. 1448 and 2 to Johnson Street, along Johnson Street to James Street, along James Street to Meadow Street, along Meadow Street to Swan Street, along Swan Street to Terrace Road, along Terrace Road to York Road (No. 28), along York Road (No. 28) to the present eastern boundary of the metropolitan area; that portion of Guildford Road from the intersection of Lord Street and Walcott Street, Mount Lawley to Johnson Street, Guildford; that portion of the Perth-Albany Road (No. 122) from the present boundary of the City of Perth to the junction with the Bunbury Road at the Old Narrogin Inn; and that portion of road (known as Canning Road No. 124 and Lower Canning Road No. 780) from the present boundary of the City of Perth to the eastern boundary of the municipality of East Fremantle;

- (b) defraying the expenses incurred and to be incurred in connection with the taking and preparation of land for providing and developing any road or roads connected with the Narrows Bridge, or any other road or roads associated with the regional development of the metropolitan area as the Minister may, on the recommendation of the Commissioner of Main Roads, determine;
- (c) in payment of any expenditure authorised by the Minister under the provisions of subsection (4) of this section;

- (d) in payment into the Treasury to the credit of an account called The Metropolitan Area Railway Crossing Fund Account of an amount equal to one-half of the gross amount of the fees paid for transfers of licenses effected in the metropolitan area, and the amount so paid into that Account shall be chargeable with the cost of providing, improving, maintaining and repairing, in accordance with the directions of the Minister, railway road crossings including subways, overhead bridges and level crossings situated within the metropolitan area;
- (e) as to the balance of the said moneys remaining after providing for the payments referred to in paragraphs (a), (b), (c) and (d) of this subsection, in expenditure by the Commissioner of Main roads—
- (i) in such manner and proportions as the Governor, on the recommendation of the Commissioner of Main Roads, from time to time determines, in and for the purpose of defraying the cost of and incidental to the provision, construction, reconstruction, improvement, maintenance and supervision by the Commissioner of Main Roads of any road or bridge, other than such as is referred to in paragraphs (a), (b) and (d) of this subsection, that is within the metropolitan area so constituted and defined under this Act and the regulations;
 - (ii) on the construction, erection and maintenance of lights for the lighting of any road or bridge referred to in subparagraph (i) of this paragraph and in paragraphs (a) and (b) of this subsection; or

- (iii) for any other purpose which the Minister may, on the recommendation of the Commissioner of Main Roads, from time to time determine.

(7) The warrant of the Minister shall be sufficient authority to the Treasurer to make any payment provided for by this section. .

7. Section twenty-five C of the principal Act is amended by deleting the words, "section eleven A of", in line four of subsection (2). S. 25C
amended.

8. Section forty-seven of the principal Act is amended by substituting for paragraph (xva) of subsection (1) the following paragraph— S. 47
amended.

(xva) Prescribe the metropolitan area; .

9. The Acts set out in the Schedule to this Act are repealed to the extent therein specified. Repeals.

SCHEDULE.

ACTS REPEALED BY THIS ACT.

(Section Nine.)

<i>Title of Act.</i>	<i>Extent of Repeal.</i>
Main Roads Act (Funds Appropriation) Act (No. 2), 1941	The whole Act.
Main Roads Act (Funds Appropriation) Act, 1942	The whole Act.
Main Roads Act (Funds Appropriation) Act, 1943	The whole Act.
Main Roads Act (Funds Appropriation) Act, 1944	The whole Act.
Main Roads Act (Funds Appropriation) Act, 1947	The whole Act.
Main Roads Act (Funds Appropriation) Act, 1950	The whole Act.
Main Roads Act (Funds Appropriation) Act, 1951	The whole Act.
Main Roads Act (Funds Appropriation) Act, 1955	The whole Act.
Main Roads Act (Funds Appropriation) Act, Amendment Act, 1959	The whole Act.
Main Roads Act, 1930-1961	Paragraphs (e) and (f) of section thirty-one; and section thirty-four.