

**TRAFFIC (No. 3).**

8° Elizabeth II., No. LII.

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**No. 52 of 1959.**

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**AN ACT to amend the Traffic Act, 1919-1958.**

[Assented to 25th November, 1959.]

**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. 3), 1959.*

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Acts and  
amended by  
Acts Nos. 57  
and 59 of  
1958.

(2) In this Act the Traffic Act, 1919-1958, is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Traffic Act, 1919-1959.

2. This Act shall come into operation on the first day of January, one thousand nine hundred and sixty.

Commencement.

3. The principal Act is amended by adding after section eleven the following section—

S. 11A added

11A. (1) On the coming into operation of the Traffic Act Amendment Act (No. 3), 1959, there shall be established and opened in the Treasury an account to be called the Central Road Trust Fund which Fund shall be administered by the Commissioner of Main Roads in accordance with the provisions of this section.

Establishment of Central Road Trust Fund.

(2) The Commissioner of Police as the licensing authority for the districts and sub-districts comprised in the metropolitan area shall, and any local authority not within the metropolitan area may, in respect of every annual period ending on the thirtieth day of June, the first of which annual periods shall be that ending on the thirtieth day of June, one thousand nine hundred and sixty, pay to the credit of the Central Road Trust Fund the amount by which the total sum of all fees paid during each annual period for licenses or transfers of licenses or registrations under this Act or any regulation exceeds the total sum of such fees paid to the Commissioner of Police or the local authority, as the case may be, during the annual period which ended on the thirtieth day of June, one thousand nine hundred and fifty-nine, and any other moneys authorised by this Act to be paid to the credit of that Fund.

(3) Subject to subsection (4) of this section, the Commissioner of Main Roads shall, as soon as may be convenient after the thirtieth day of June in each year, pay, out of the moneys paid to the credit of the Central Road Trust Fund pursuant to this section and any other

moneys paid to the credit of that Fund, to be used and applied as provided in subsection (6) of this section—

- (a) to a local authority not within the metropolitan area, which has paid to the credit of the Central Road Trust Fund moneys pursuant to the provisions of subsection (2) of this section, or of subsection (3) of section thirteen of this Act, an amount which exceeds by fifty per centum the total amount of the money so paid by the local authority; and
- (b) to the local authorities of the districts and sub-districts comprised in the metropolitan area and the Board controlling Reserve A 1720 (the King's Park), in such shares and proportions as the Minister determines, an amount which exceeds by fifty per centum one-half of the total amount of the money paid to the credit of the Central Road Trust Fund by the Commissioner of Police as the licensing authority for those districts and sub-districts.

(4) The Commissioner of Main Roads shall not, in respect of the moneys in any annual period standing to the credit of the Central Road Trust Fund, disburse from that Fund pursuant to the provisions of subsection (3) of this section any moneys in excess of an amount equivalent to twice the amount of money paid to the State in respect of that annual period by the Commonwealth under the provisions of section six of the Commonwealth Aid Roads Act 1959 (Commonwealth Act) and credited by the State to the Central Road Trust Fund.

(5) After providing for the payments referred to in subsection (3) of this section, the Commissioner of Main Roads shall utilise and expend the balance of the moneys remaining in the Central Road Trust Fund, exclusively—

- (a) on the construction, reconstruction, maintenance and repair of roads, or on the purchase of road-making plant;
- (b) in making payments to municipalities or road boards for the construction, reconstruction, maintenance and repair of roads, or for the purchase of road-making plant; or
- (c) in making payments for or in connection with research relating to the construction, maintenance or repair of roads.

(6) All moneys paid to local authorities and the Board controlling the King's Park pursuant to subsection (3) of this section shall be expended by those local authorities and that Board

- (a) on the construction, reconstruction, maintenance and repair of roads, or on the purchase of road-making plant; or
- (b) in making payments for or in connection with research relating to the construction, maintenance or repair of roads.

4. Section eleven A of the principal Act is amended by substituting for the section designation, "11A" the designation, "11B." S. 11A to be  
s. 11B.

5. Section thirteen of the principal Act is amended by— S. 13  
amended.

- (a) adding after the section designation, "13" the subsection designation, "(1)"; and

(b) adding the following subsections—

(2) Where a refund of any vehicle license fee, or a proportion thereof, is made under any provision of this Act, the local authority shall charge a fee of ten shillings for such refund and may deduct that fee from the amount to be refunded.

(3) All fees charged for refunds under this section may be paid by the local authority to the credit of the Central Road Trust Fund established pursuant to the provisions of section eleven A of this Act.

S. 14  
amended.

6. Section fourteen of the principal Act is amended by—

(a) repealing subsection (1a);

(b) repealing subsection (2) and re-enacting the same as follows—

(2) (a) Subject to the provisions of section eleven A and section twenty-three of this Act, all fees paid each year for licenses or transfers of licenses or registrations in the metropolitan area under this Act or any regulation shall be paid into the Treasury to the credit of an account to be called the Metropolitan Traffic Trust Account.

(b) The moneys in such Account shall be chargeable annually with the sum of one hundred and twenty thousand pounds for the costs of collection and administration, and the net balance which remains after providing for that sum shall—

(i) as to one-half of such net balance, be annually paid to and divided amongst the local authorities of the districts and sub-districts comprised in the

metropolitan area and the Board controlling Reserve A 1720 (the King's Park), in such shares and proportions as the Minister determines; and

- (ii) as to the remaining one-half of such net balance, be annually paid to the Commissioner of Main Roads and be set apart and applied for the purposes set forth in subsection (2c) of this section. ;
- (c) adding after the word, "in" in line eight of subsection (2a), the passage, "subparagraph (ii) of"; and
- (d) adding after subsection (2b) the following subsection—

(2c) 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 (2a) 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) for any of the purposes specified in, and in accordance with the provisions of, subsection (3) of section thirty-four of the Main Roads Act, 1930;
  - (ii) on the construction, erection and maintenance of lights for the lighting of roads and bridges referred to in that 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.



S. 23  
amended.

7. (1) Section twenty-three of the principal Act is amended by—

- (a) substituting for the words, “ten shillings” in lines three and four of paragraph (a) of subsection (2), the words, “one pound”; and
- (b) adding after paragraph (b) of subsection (2) the following paragraph—
  - (c) All fees paid pursuant to the provisions of paragraph (a) of this subsection in respect of licenses or renewals thereof to drive a motor vehicle not being a passenger vehicle shall be paid into the Treasury to the credit of the Central Road Trust Fund established under section eleven A of this Act.

(2) The amendment referred to in paragraph (b) of subsection (1) of this section shall have effect and be deemed to have had effect as from the first day of July, one thousand nine hundred and fifty-nine.

Third  
Schedule  
amended.

8. Part I. of the Third Schedule to the principal Act is amended by—

- (a) substituting for the figures, “0 4 0” in line three of item 1 under the heading, “LICENSE FEES FOR MOTOR VEHICLES.”, the figures, “0 5 0”; and
  - (b) substituting for the figures, “0 5 3” in line four of item 2 under the heading, “LICENSE FEES FOR MOTOR VEHICLES.”, the figures, “0 6 0.”
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