

## MAIN ROADS.

3° and 4° GEO. VI., No. XLVIII.

No. 48 of 1939.

### AN ACT to amend section thirty-one of the Main Roads Act, 1930-1938.

[Assented to 23rd December, 1939.]

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

1. This Act may be cited as the *Main Roads Act Amendment Act, 1939*, and shall be read as one with the Main Roads Act, 1930-1938 (No. 5 of 1930 as amended by the Acts No. 2 of 1932, No. 3 of 1937, No. 4 of 1937, and No. 29 of 1938), hereinafter referred to as the principal Act.

Short title.  
of No. 29 of  
1938 v. 3.

2. Section thirty-one of the principal Act (as amended by the Act No. 2 of 1932) is repealed and a section is inserted in lieu thereof as follows:—

Amendment  
of s. 31.  
Repeal and  
new section.

31. (1) (a) The amount of all fees and moneys paid into the Main Roads Trust Account shall generally—

Appropriation  
of  
Main Roads  
Trust  
Account.

(i) in the first place be chargeable with the costs of collection as certified by the Minister;

(ii) in the second place be chargeable with the costs incidental to the administration of this Act and the exercise of the functions of the Commissioner;

(iii) in the third place be used and applied in such manner and proportions as the Governor, on the recommendation of the Commissioner, shall from time to time determine in and for the pur-

pose of defraying the cost of and incidental to the provision, construction, maintenance, and supervision of roads, whether main or developmental roads under this Act or not, and of any other work executed and provided under this Act;

(b) that portion of the moneys paid into the Main Roads Trust Account which consists of moneys received from the Commonwealth under and for the purposes mentioned in subclause (2) of clause 2 of the Federal Aid Roads Agreement as made under the authority of the Federal Aid Roads (New Agreement Authorisation) Act, 1936, and amended under the authority of the Federal Aid Roads (New Agreement Authorisation) Act Amendment Act, 1937, may particularly, but without prejudice to paragraph (a) of this subsection, be used and applied in such manner and in such amounts as the Minister, on the recommendation of the Commissioner, may from time to time determine and approve in and for the purpose of any work or matter connected with transport as authorised by the said Federal Aid Roads Agreement, or by any agreement which may hereafter be made amending or in substitution of the said Federal Aid Roads Agreement.

(2) The warrant of the Commissioner shall be sufficient authority to the Treasurer to make any payment provided for in this section.

(3) The unexpended moneys in the Main Roads Trust Account at the end of any year may be used under this section for any other year without fresh appropriation.

(4) Where, prior to the commencement of this section—

(a) any expenditure has been incurred by the Commissioner in or in connection with the provision, construction, maintenance, and supervision of roads other than main or developmental roads under this Act, or in connection with the maintenance of developmental roads not in accordance with section twenty-seven of this Act; and

(b) any payment of any such expenditure has been made out of moneys in the Main Roads Trust Account; and

- (c) any payment has been made out of moneys in the Main Roads Trust Account for any purpose which at the time when the payment was made was a purpose in relation to which the said payment was authorised by the Federal Aid Roads Agreement hereinbefore mentioned, although at the time not authorised by this Act as then in force—

the payment of such expenditure, as mentioned in paragraph (b) hereof, or the payment as mentioned in paragraph (c) hereof, out of moneys in the Main Roads Trust Account is hereby validated.

3. The principal Act as amended by this Act may be cited as the Main Roads Act, 1930-1939.

Citation of  
principal  
Act as  
amended.