

FEDERAL AID ROADS (NEW AGREEMENT AUTHORISATION).

1° EDWD. VIII., No. XXXIII.

No. 33 of 1936.

AN ACT to authorise the Honourable the Premier to execute on behalf of the State an Agreement proposed to be made between the Commonwealth and the State relating to Federal Aid Roads.

[Assented to 11th December, 1936.]

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

Short title.

1. This Act may be cited as the *Federal Aid Roads (New Agreement Authorisation) Act, 1936.*

Treasurer
authorised to
execute agree-
ment on
behalf of
State.

2. The Honourable the Premier of the State is hereby authorised to execute for and on behalf of the State an agreement relating to Federal Aid Roads, in the form set out in the Schedule to this Act, provided that nothing in the said agreement shall affect the operation of section thirty-three of the Main Roads Act, 1930, as amended by Act No. 2 of 1932.

THE SCHEDULE.

FORM OF AGREEMENT.

AGREEMENT made the _____ day of _____ One thousand nine hundred and thirty- _____ between the Commonwealth of Australia (in this agreement called "the Commonwealth") and the State of Western Australia (in this agreement called "the State"):

WHEREAS by an agreement in the form contained in the Schedule to the Federal Aid Roads Act 1926 of the Commonwealth and made on the First day of July One thousand nine hundred and twenty-six between the Commonwealth and the State (which agreement was approved adopted authorised and ratified by the Federal Aid Roads Agreement Act 1926 of the State and is hereinafter called the "original agreement") it was agreed (*inter alia*) that the Commonwealth would subject to and for the purposes of the agreement provide the sum therein mentioned during the period of ten years commencing on the first day of July One thousand nine hundred and twenty-six and that subject as therein mentioned the State would provide the additional sum therein mentioned for the purposes of the agreement:

AND WHEREAS the original agreement was varied by two amending agreements as follows namely:—

- (a) An agreement in the form contained in the Schedule to the Federal Aid Roads Act 1931 of the Commonwealth and made on the Twenty-first day of July One thousand nine hundred and thirty-one between the Commonwealth and the State which agreement was approved adopted authorised and ratified by the Federal Aid Roads Agreement Act 1931 of the State and varied the original agreement and extended it for the period of six months from the first day of July One thousand nine hundred and thirty-six; and
- (b) An agreement in the form contained in the Schedule to the Federal Aid Roads Act 1936 of the Commonwealth and made on the Fourth day of August One thousand nine hundred and thirty-six between the Commonwealth and the State which agreement was approved adopted authorised and ratified by the Federal Aid Roads Agreement Act 1936 of the State and extended the original agreement as varied by the amending agreement aforesaid for six months from the first day of January One thousand nine hundred and thirty-seven:

AND WHEREAS the Commonwealth proposes to make available to the several States for the purposes hereinafter mentioned the amounts hereinafter mentioned in each year during the period of ten years commencing on the first day of July One thousand nine hundred and thirty-seven:

AND WHEREAS the Commonwealth proposes to distribute the said amounts between the several States on the following basis namely five per centum to the State of Tasmania and ninety-five per centum between the several States (excluding Tasmania)—as to three-fifths of such ninety-five per centum according to their respective populations as at the thirtieth day of June One thousand nine hundred and thirty-six and as to two-fifths of such ninety-five per centum according to their respective areas:

NOW IT IS HEREBY AGREED as follows:—

1. This agreement shall have no force or effect and shall not be binding on either party unless and until it is authorised or approved by the Parliaments of the Commonwealth and of the State.

2. (1.) The Commonwealth will subject to this agreement and for the purposes mentioned in subclause (1) of clause four of this agreement provide in each year during the period of ten years commencing on the first day of July One thousand nine hundred and thirty-seven a sum equivalent to 192/1000ths of the aggregate of the following amounts namely:—

(a) so much of the duties of customs payable and collected under the tariff item specified in this paragraph in respect of the goods specified in this paragraph as shall be equal to 2½d. per gallon of all those goods which shall be entered for home consumption during that year that is to say the duties of customs payable and collected under tariff item 229 (C) in the Schedule to the Customs Tariff 1933-1936 or under that tariff item as amended or proposed to be amended during the continuance of this agreement in respect of petroleum and shale products, viz.: naphtha, benzine, benzoline, gasoline, pentane, petrol and any other petroleum or shale spirit; and

(b) so much of the duties of excise payable and collected under the tariff item specified in this paragraph in respect of the goods specified in this paragraph as shall be equal to 1½d. per gallon of all those goods which shall be entered for home consumption during that year that is to say the duties of excise payable and collected under tariff item 11 in the Schedule to the Excise Tariff 1921-1936 or under that tariff item as amended or proposed to be amended during the continuance of this agreement in respect of—

(A) petroleum or shale products viz.: petrol, benzine, benzoline, gasoline, naphtha, pentane, and any other petroleum or shale spirit as described in that item;

(B) petroleum or shale distillates viz.: turpentine substitutes; and

(C) coal tar and coke oven distillates (including benzol) suitable for use as petrol substitutes as described in that item.

(2.) The Commonwealth will subject to this agreement and for the purposes mentioned in subclause (2) of clause four of this agreement provide in each year during the period of ten years last aforesaid a sum equivalent to 192/1000ths of the aggregate of the following amounts namely:—

(a) so much of the duties of customs payable and collected under the tariff item specified in paragraph (a) of subclause (1) of this clause in respect of the goods specified in that paragraph as shall be equal to ½d. per gallon of all those goods which shall be entered for home consumption during that year; and

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(b) so much of the duties of excise payable and collected under the tariff item specified in paragraph (b) of subclause (1) of this clause in respect of the goods specified in that paragraph (other than benzol) as shall be equal to $\frac{1}{2}$ d. per gallon of all those goods which shall be entered for home consumption during that year.

(3.) All the sums provided under subclauses (1) and (2) of this clause will be paid by the Commonwealth into a Trust Account established for the purpose under Section 62A of the Audit Act 1901-1934.

(4.) Payments will be made monthly to the State out of the moneys for the time being in the said Trust Account and the Minister shall when each payment is made notify the State of the portions of the payment which are made from the sums provided under subclauses (1) and (2) of this clause respectively.

3. (1.) The Commonwealth will in each year during the period of ten years last aforesaid withdraw from moneys in the said Trust Account and pay into the Sinking Fund an amount equal to two pounds ten shillings per centum (£2 10s.%) per annum accruing from day to day on so much of the moneys which have been provided by the State for the purposes of the original agreement as have been provided from loan moneys.

(2.) The State will on the thirty-first day of December (or on such other date as may be agreed upon between the Commonwealth and the State) in each year after the expiration of the period of ten years last aforesaid pay into the Sinking Fund an amount equal to two pounds ten shillings per centum (£2 10s.%) per annum accruing from day to day on the amount of loan moneys which have been provided by the State for the purposes of the original agreement until the amounts paid into the Sinking Fund under the original agreement as varied as aforesaid and under this agreement and any amendment of this agreement in respect of such loan moneys together with the Sinking Fund contributions in respect of such loan moneys provided for by the Financial Agreement are sufficient to provide for the redemption of the said loan moneys. For the purposes of this clause the said payments and contributions shall be deemed to accumulate at the rate of four and a half per centum ($4\frac{1}{2}\%$) per annum compounded.

(3.) The Sinking Fund hereinbefore referred to is the National Debt Sinking Fund established under the National Debt Sinking Fund Act 1923-1934 of the Commonwealth or any amendment thereof or any Sinking Fund established in lieu thereof and all moneys paid into such Funds shall be applied as if they were Sinking Fund contributions paid under the Financial Agreement in respect of the public debt of the State.

(4.) The Financial Agreement hereinbefore referred to is the agreement set forth in the Schedule to the Financial Agreement Validation Act 1929 of the Commonwealth and in the Schedule to the Financial Agreement Act 1928 of the State and validated and approved by those Acts.

(5.) Subclause (2) of clause four of the original agreement as varied as aforesaid shall cease to have effect upon the first day of July One thousand nine hundred and thirty-seven.

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4. (1.) All moneys paid to the State from the sums provided under subclause (1) of clause two of this agreement shall be expended upon the construction reconstruction maintenance or repair of roads.

(2.) All moneys paid to the State from the sums provided under subclause (2) of clause two of this agreement shall be expended upon the construction reconstruction maintenance or repair of roads or other works or upon forestry as the State may think fit.

5. (1.) Whenever so required by the Minister the State will to the satisfaction of the Minister make provision for the proper maintenance and repair to a standard necessary to meet the requirements of the Commonwealth and other traffic using such roads, of public roads adjoining or of approach to properties of the Commonwealth within the State.

(2.) The State shall not be required to make any provision under this clause with respect to roads within the boundaries of properties of the Commonwealth.

(3.) In this clause "properties of the Commonwealth" includes establishments works and activities of the Commonwealth.

6. Any notice requirement or other communication to be given or made by the Commonwealth or the Minister to the State under this Agreement shall be deemed to have been duly given or made if signed by or on behalf of the Minister and delivered by hand or sent by pre-paid post addressed to the Minister for Works at his office in the City of Perth.

7. In this agreement "the Minister" means the Minister of State of the Commonwealth for the Interior for the time being and includes any Minister of State of the Commonwealth or member of the Federal Executive Council for the time being acting for and on behalf of the Minister.

As witness the respective executions of the parties.

Signed by

of the Commonwealth

for and on behalf of the Commonwealth in the presence of—

Signed by

Premier of the State

for and on behalf of the State in the presence of—