

**MAIN ROADS**

20° GEO. V., No. XXXI.

No. 33 of 1929.

**AN ACT to amend the Main Roads Act, 1925**

[Assented to 23rd December, 1929.]

**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:—

Short title.

1. This Act may be cited as the *Main Roads Act Amendment Act, 1929*, and shall be read as one with the Main Roads Act, 1925, hereinafter referred to as the principal Act.

Amendment of s. 3.

2. Section three of the principal Act is amended by inserting the following words:—

“Developmental road” means a road declared as such under this Act, and includes any part thereof.

Application of s. 112 of Public Works Act, 1902.

3. A subsection is added to section sixteen of the principal Act as follows:—

(4) The Minister may, for the purposes of this Act, delegate to the Board all or any of the powers conferred on the Minister by section one hundred and twelve of the Public Works Act, 1902, but subject to the provisions of section one hundred and thirteen thereof.

Amendment of s. 17.

4. Section seventeen of the principal Act is amended by deleting the proviso, and in lieu thereof a section is inserted in the principal Act as follows:—

17a. No contract involving an expenditure by the Board of an amount exceeding one thousand pounds shall be entered into without the written consent of the Minister being first obtained.

Penalty for defacing works, etc.

5. A section is inserted in the principal Act as follows:—

20a. Any person who obliterates, removes, or defaces any marks, trenches, pegs or the like, made, erected or inserted in or upon any land in the course of making surveys, or taking levels, or setting out any land required for the purposes of this Act, shall be guilty of an offence

and liable on conviction to a penalty not exceeding twenty pounds.

6. Subsection (3) of section twenty-one of the principal Act is amended by omitting subsection (3) and inserting in place thereof a subsection as follows:—

Amendment of s.  
21.

(3) When a developmental road, or any part thereof, has been constructed or any work executed thereon, such road or part thereof shall be maintained by the local authority in whose district the road or part thereof is situated: Provided that in the case of a road, or part thereof, following the common boundary of two districts, the cost of such maintenance shall be apportionable between the local authorities of such district, and the Board may determine the respective liabilities of each local authority.

7. Section twenty-four of the principal Act is amended as follows:—

Amendment of s.  
24.

(a) By deleting from subsection (1) the words “after a developmental road is handed over to any local authority such,” and by inserting in place thereof the word “a.”

(b) By deleting subsection (3).

8. Section twenty-seven of the principal Act is amended as follows:—

Amendment of s.  
27.

(a) By deleting paragraph (d) and inserting in place thereof:—“(d) the amount received by the State Government under paragraph 10 (2) of the agreement set out in the schedule to the Federal Aid Roads Act, 1926”;

(b) By inserting at the commencement of paragraph (f) the words, “The moneys received by the Treasurer under section thirty, and”.

9. Section twenty-eight of the principal Act is amended by deleting the provisos to subsection (1) and inserting in place thereof the following:—

Amendment of s.  
28.

Provided that the moneys received under section thirty of this Act shall be applied to—

(a) the payment of interest and sinking fund on one half of the State’s expenditure on main roads;

(b) the half cost of the maintenance of main roads:

The said section is further amended by deleting the words “subject as hereinafter provided” in paragraph (b) of subsection (1) thereof.

Repeal of s. 30  
and substitution of  
a new section.

10. Section thirty of the principal Act is repealed, and a section is inserted in place thereof as follows:—

30. (1.) Local authorities whose districts are situated outside the Metropolitan Area as defined in the Traffic Act, 1919-1926, or the North-West portion of the State as defined in the *Gazette* of October 31st, 1924, shall be divided into three classes, namely:—

- (a) those local authorities whose districts are traversed by any main road;
- (b) those local authorities whose districts are contiguous to a district of class (a);
- (c) all other local authorities;

and from and inclusive of the 1st day of July, 1929, such local authorities shall pay to the Treasurer, in accordance with subsection (3) hereof, a proportionate part of the amount of all license fees collected by them under section ten of the Traffic Act, 1919-1926, as follows:—

- (i) local authorities of class (a) shall pay 22½% of the license fees collected;
- (ii) local authorities of class (b) shall pay 15% of the license fees collected; and
- (iii) local authorities of class (c) shall pay 10% of the license fees collected:

Provided that the Governor may, on the recommendation of and for reasons assigned by the Board, reduce the rate of contribution by any local authority under class (b) from 15 per cent. to 12½ per cent.

(2.) The Treasurer shall appropriate each month twenty-two and one-half per cent. of the net balance referred to in paragraph (b) of subsection (2) of section 13 of the Traffic Act, 1919-1926, to the purposes of this Act, and the balance remaining after such appropriation shall be taken to be the net balance for the purpose of the provisions of that section.

(3.) Each local authority required to contribute under this section shall keep a special trust account, into which shall be paid as collected the prescribed proportion of license fees, and at the end of each month all moneys held in such account shall be withdrawn and remitted to the Treasurer.

(4.) There shall be established at the Treasury an account to be called "The Main Roads Contributions Trust Account," into which shall be paid the moneys received by the Treasurer from local authorities, together with those contributed from the Metropolitan Traffic Trust Account in pursuance of this section.

(5.) Amounts due by local authorities on account of apportionments as set out under the repealed section thirty for the year 1926-1927 are hereby waived; and local authorities shall not be required to contribute towards the expenditure on permanent works and maintenance on main roads during that year.

(6) The repeal of Section thirty of the principal Act shall not (except as provided by subsection (5) of the substituted section) affect its application to expenditure on permanent works and maintenance on main roads to the 30th day of June, 1929; and to enable the Board to apportion half the amount of such expenditure, and to determine the matters referred to in paragraphs (a), (b), and (c) of subsection (1) of the said section, it shall be deemed to continue in operation until such apportionment is made and such matters are determined:

Provided that the liability of local authorities under the said section shall cease on receipt by the Treasurer of the first two years' payments in respect of expenditure during 1927-1928, and the first year's payment in respect to expenditure during 1928-1929."

11. A section is inserted in the principal Act as follows:—

12a. Any deputation in which a member of Parliament takes part or at which he is present shall interview the Minister, and not the Board.

Deputations.  
See Govt. Railways  
Act, 1904, s. 30.

12. A section is inserted in the principal Act as follows:—

18a. (1.) Where the Board, in reconstructing an existing road or building a new road, prejudicially affects the access to a property having a frontage thereto, the Board shall at its own expense provide reasonable access to the reconstructed or new road.

Access to property  
fronting new roads.

(2.) If in carrying out the provision of subsection (1) of this section, it becomes necessary for the Board to acquire any land belonging to a private owner, the expense of so doing shall be borne by the person requiring such access: Provided that, before any such land is so acquired, the Board shall give at least 21 days' notice of their intention to acquire, and in the event of the person requiring such access dissenting from their so doing, the Board's responsibility under Subsection (1) hereof shall cease.