

MAIN ROADS.

No. 5 of 1930.¹

(Affected by Acts No. 10 of 1951 and No. 113 of 1965.)

[As amended by Acts:

- No. 2 of 1932, assented to 18th October, 1932;
- No. 3 of 1937, assented to 29th October, 1937;
- No. 4 of 1937, assented to 29th October, 1937;
- No. 29 of 1938, assented to 31st January, 1939;
- No. 48 of 1939, assented to 23rd December, 1939;
- No. 34 of 1952, assented to 5th December, 1952;
- No. 73 of 1954,² assented to 14th January, 1955;
- No. 6 of 1955, assented to 19th October, 1955;
- No. 38 of 1959, assented to 10th November, 1959;
- No. 48 of 1961, assented to 23rd November, 1961;
- No. 67 of 1964,³ assented to 4th December, 1964;
- No. 69 of 1965,⁴ assented to 25th November, 1965;
- No. 7 of 1966, assented to 16th September, 1966;
- No. 70 of 1966,⁵ assented to 12th December, 1966;
- No. 57 of 1967,⁶ assented to 5th December, 1967;
- No. 47 of 1969,⁷ assented to 30th June, 1969,
- No. 35 of 1972,⁸ assented to 16th June, 1972;
- No. 27 of 1974,⁹ assented to 29th October, 1974;
- No. 28 of 1974,¹⁰ assented to 29th October, 1974;
- No. 96 of 1975,¹¹ assented to 20th November, 1975;
- No. 53 of 1976, assented to 10th September, 1976;

and reprinted pursuant to the Amendments Incorporation Act, 1938.]

AN ACT to consolidate and amend the law relating to and making provision for the construction, maintenance, and supervision of Highways, Main and Secondary Roads, and other Roads, the Control of Access to Roads and for other relative purposes.

Long title amended by No. 34 of 1952, s. 2; No. 96 of 1975, s. 3.

[Assented to 19th November, 1930.]

BE it enacted:—

- ¹ Proclaimed to come into operation 1st December, 1930. See *Gazette* 28/11/1930, p. 2564.
- ² Proclaimed to come into operation 1st March, 1955. See *Gazette* 18/2/1955, p. 343.
- ³ Proclaimed to come into operation 1st January, 1965. See *Gazette* 24/12/1964, p. 4094.
- ⁴ Proclaimed to come into operation 1st April, 1966. See *Gazette* 18/3/1966, p. 761.
- ⁵ Proclaimed to come into operation 10th February, 1967. See *Gazette* 10/2/1967, p. 441.
- ⁶ Came into operation 1st January, 1968. See section 2 of Act No. 57 of 1967.
- ⁷ Came into operation 1st July, 1969. See section 2 of Act No. 47 of 1969.
- ⁸ Came into operation 2nd February, 1973. See *Gazette* 2/2/1973, p. 280.
- ⁹ Ministers of the Crown (Statutory Designations) and Acts Amendment Act, 1974, Part VII Proclaimed 1st December, 1974. See *Gazette* 6/12/74, p. 5204.
- ¹⁰ Came into operation 1st July, 1974. See section 2 of Act No. 28 of 1974.
- ¹¹ Sections 7, 15, 17, 18, 31 (a) and 32. Came into operation 5th December, 1975. Balance to come into operation 1st July, 1976. See *Gazette* 5/12/75, p. 4359.

*Main Roads.**Preliminary.*

Short title,
commence-
ment, and
extent of
operation.
Amended
by No. 53 of
1976, s. 1.

1. (1) This Act may be cited as the *Main Roads Act, 1930-1976*, and shall come into operation on a day to be fixed by proclamation.¹

(2) This Act shall apply to such portions of the State as shall from time to time be defined by proclamation.

2. [*Repealed by No. 53 of 1976, s. 2.*]

Repeal.
Amended by
No. 47 of 1969,
s. 3.

3. The Acts mentioned in the First Schedule hereto are hereby repealed.

All matters
and things
subsisting
under
repealed Acts
to enure for
this Act.
Amended
by No. 96
of 1975, s. 4.

4. Every regulation, rule, proclamation, order in council, declaration, determination, appointment, instrument, book, document, valuation, and every act of authority and other act, matter or thing which was subsisting or operative immediately before the commencement of this Act under or for the purposes of any statutory provision which is hereby repealed and hereby re-enacted with or without modification shall, subject to this Act, subsist and enure for the purposes of this Act as fully and effectually as if it had originated under the corresponding provision hereof; and accordingly shall, when necessary, be deemed to have so originated, and this Act shall apply thereto.

Road Roads
Board
abolished.

5. (1) The Main Roads Board is hereby abolished and the corporate body heretofore constituted under that name is dissolved.

(2) On and from the commencement of this Act, and by virtue of this Act—

- (a) all the assets, rights, liabilities and obligations of the said Board under the Acts hereby repealed shall be divested from the said Board, and shall be vested in and shall attach to and may be enforced by and against the Commissioner under this Act;

¹ See footnote ¹ on page 1.

- (b) all proceedings and things lawfully had and done by the said Board under the Acts hereby repealed shall be and continue to be in full force and effect as if the same had been had and done by the Commissioner under this Act, and if the same are not completed may be continued and completed by the Commissioner under this Act;
- (c) where in any regulation, proclamation, order in council, or other instrument made under or in pursuance of the Acts hereby repealed and still subsisting a reference is made to the said Board, such reference shall be deemed to be a reference to the Commissioner under this Act.

6. In this Act, subject to the context—

“Commissioner” means the Commissioner of Main Roads appointed under this Act;

“control of access” in relation to any road means that a section or part of that road is intended for use by prescribed traffic without avoidable hindrance, whether from traffic from an intersecting road or otherwise, and that such section or part of the road has been declared by proclamation to be subject to control of access and may be entered or departed from at specified places only;

“declared road” means a road declared to be a highway, main road or secondary road under this Act, and includes any part of any such road;

“district” has the same meaning as is given to that term by the Local Government Act, 1960;

“financial year” or “year” means the period of twelve months ending on the thirtieth day of June in any year;

Interpretation.
Amended by No. 34 of 1952, s. 3; No. 7 of 1966, s. 2; No. 70 of 1966, s. 3; No. 57 of 1967, s. 3; No. 47 of 1969, s. 4; No. 27 of 1974, s. 27; No. 96 of 1975, s. 5; No. 53 of 1976, s. 3.

Main Roads.

“highway” means a road declared by proclamation to be a highway for the purposes of this Act, and includes any part thereof;

“interest” in relation to land means—

- (a) a legal or equitable estate or interest in the land; or
- (b) an easement, right, power or privilege in, under, over, affecting, or in connection with the land;

“land” includes an interest in land;

“local authority” means the council of a municipality that is a city, town or shire constituted under the Local Government Act, 1960;

“main road” means a road declared by proclamation to be a main road for the purposes of this Act, and includes any part thereof;

“motor traffic pass” means a pass that is constructed across a gap in a fence and that is designed to enable motor traffic to pass on any road made through the gap and to prevent the straying of livestock through the gap;

“proclaimed area” means a portion of the State to which this Act applies;

“road” means any thoroughfare, highway or road that the public is entitled to use and any part thereof, and all bridges (including any bridge over or under which a road passes), viaducts, tunnels, culverts, grids, approaches and other things appurtenant thereto or used in connection with the road;

“road construction” includes—

- (a) the reconstruction of roads and, for that purpose, the acquisition of land, the demolition of buildings and the taking or defending of legal proceedings;

- (b) the purchase and maintenance of plant, and the supply of labour and materials, for road construction;
- (c) the administration of road construction, including planning, research, investigation, survey and design; and
- (d) the maintenance of roads and the provision and maintenance of street lights and traffic lights; and

“secondary road” means a road declared to be a secondary road for the purposes of this Act, and includes any part thereof.

Commissioner of Main Roads.

7. (1) The Governor may appoint for the due administration of this Act, some person to be Commissioner of Main Roads, who shall be an engineer qualified by training and experience in modern road making.

Commis-
sioner of
Main Roads.
Amended
by No. 96 of
1975, s. 6.

(2) In case of the illness or other incapacity, suspension or absence of the Commissioner, or any vacancy in the office of Commissioner, the Governor may appoint some person qualified as aforesaid to act as the deputy of the Commissioner during such illness, incapacity, suspension, absence or vacancy, and until such appointment is terminated by the Governor. Every person so appointed shall while so acting have all the powers and perform all the duties of the Commissioner.

(3) The Commissioner shall be appointed for a term not exceeding five years, but he may be removed from office by the Governor at any time on the happening of any one of the events following, namely—

- (a) for misbehaviour or incompetence;

- (b) if he commits an act of bankruptcy under the law relating to bankruptcy and in force in this State;
- (c) if he wilfully fails to perform his duties for fourteen consecutive days, except when on leave of absence granted by the Minister;
- (d) if he becomes in any way, except as Commissioner, concerned or interested in any contract made by or on behalf of the Commissioner; or in any way participates or is entitled to participate either directly or indirectly in the profits or benefits derived from any such contract.

Salaries of Commissioner and deputy.

8. The Commissioner shall receive an annual salary, to be fixed by the Governor; and every person appointed to act as his deputy, while so acting, such remuneration as the Governor shall decide.

Commissioner to be a body corporate.

9. For the purposes of this Act the Commissioner shall be a body corporate under the name of the "Commissioner of Main Roads," and shall have perpetual succession and a common seal, and power to acquire, hold and dispose of real and personal property, and to sue and be sued, and to do and exercise all such acts and powers as may, in the opinion of the Minister, be necessary or convenient for carrying into effect any of the purposes or objects of this Act.

Borrowing powers may be guaranteed. Added by No. 96 of 1975, s. 7.

9A. (1) For carrying out the purposes of this Act the Commissioner, subject to the approval of the Minister, shall have power upon the guarantee and with the prior approval in writing of the Treasurer of the State to borrow money upon such terms and conditions only as the Treasurer approves.

(2) The Treasurer is hereby authorised to so approve and to give the guarantee, including a guarantee of interest, referred to in subsection (1) of this section, for and on behalf of the Crown in right of the State.

(3) Any moneys borrowed by the Commissioner under this section may be raised as one loan or as several loans in such manner as the Treasurer may approve, but the amount of the moneys so borrowed shall not in any one year exceed in the aggregate such amount as the Treasurer approves.

(4) Before a guarantee is given by the Treasurer under this section, the Commissioner shall give to the Treasurer such security as the Treasurer may require and shall execute all instruments necessary for the purpose.

(5) The Commissioner shall use moneys borrowed under the power conferred by this section for the purpose of carrying this Act into effect and for no other purpose.

10. (1) The Commissioner, with the approval of the Minister, may make use of the services of any of the officers and employees of the Public Service; and the Governor may appoint any persons to be officers or employees of the Commissioner for the purposes of this Act:

Officers and employees.
Amended by No. 6 of 1955, s. 2; No. 7 of 1966, s. 3; No. 53 of 1976, s. 4.

Provided that all casual employees required by the Commissioner for works of construction and maintenance may be employed by the Commissioner.

(1a) The Commissioner may in accordance with the regulations employ persons as cadets.

(1b) The Commissioner is deemed to have, and always to have had, power to employ and remunerate students.

(2) [*Repealed by No. 53 of 1976, s. 4.*]

(3) No officer or servant of the Commissioner shall—

(a) engage in any employment outside the duties of his office, except with the approval of the Commissioner; or

Main Roads

- (b) in any way participate, or claim to be entitled to participate, in the profits of or in any benefit or emolument arising from any contract or agreement made by or on behalf of the Commissioner; or
- (c) acquire any Crown lands without the approval of the Minister.

Officers to be subject to control of Commissioner.
Amended by No. 53 of 1976, s. 5.

11. Every engineer and other officer shall, in the exercise and discharge of their respective powers and duties under this Act, in all things be subject to the direction and control of the Commissioner.

Deputations.

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

Heading substituted by No. 96 of 1975, s. 8. Proclamation of highways and main roads. Repealed and re-enacted by No. 96 of 1975, s. 9.

Highways and Main Roads.

13. (1) On the recommendation of the Commissioner the Governor may by proclamation declare that any section or part of a road shall be—

- (a) a highway; or
- (b) a main road,

or shall cease so to be and may by the same or a subsequent proclamation declare that the footpaths of any such road shall, or shall not, be excluded from the road.

(2) In considering whether to make any recommendation to the Governor that a road should be declared to be a highway, the Commissioner shall take into account—

- (a) the moneys available or likely to be available for highways;
- (b) whether the road is or will be the direct connection between the capital of this and any other State;
- (c) whether the road is or will be the principal route between the capital and the major producing regions of the State;

- (d) whether the road is or will be the principal route between two or more of the major producing regions or major centres of population of the State; and
- (e) whether the road is or will be the principal route for high volume traffic movements within large urban areas.

(3) In considering whether to make any recommendation to the Governor that a road should be declared to be a main road, the Commissioner shall take into account—

- (a) the moneys available or likely to be available for main roads;
- (b) whether the road is or will be the main route connecting any large producing area, or any area capable of becoming in the near future a large producing area, with its market or closest port or railway station;
- (c) whether the road is or will be the main route of inter-communication between two or more large producing areas, or areas capable of becoming in the near future large producing areas, or between large centres of population; and
- (d) whether the road is or will be a major route for high volume traffic movements within large urban areas.

(4) All highways and main roads shall, for the purposes of the Road Traffic Act, 1974, be deemed to be Government roads.

(5) A declaration under this section may be revoked or varied by the Governor on the recommendation of the Commissioner.

13A. (1) The Commissioner shall cause each local authority in whose district the road is situated to be notified in writing of the details of any proposed permanent improvements to any highway or main road before commencing the improvements.

Local
Authority
to be
consulted.
Added
by No. 96 of
1975, s. 10.

Main Roads.

(2) Before making any recommendation to the Governor—

- (a) that any road be declared to be a highway or main road; or
- (b) that the plans of any proposed new highway or main road or deviation from an existing highway or main road be approved,

the Commissioner shall cause a notification to be given in writing to each local authority in whose district the road so to be declared is situated or the new road or deviation is proposed to be made of his intention to make the recommendation and shall inform the local authority of a date, being not less than thirty days from the date of the notification, before which any objections by that local authority may be made, and any such objection shall be considered by the Commissioner and responded to by him before making his recommendation.

(3) Any local authority which feels aggrieved by any recommendation may, within thirty days after notification of the response of the Commissioner following his consideration of that local authority's objections, appeal to the Minister, who may vary or disallow the proposed recommendation.

Power to provide highways and main roads.
Amended by No. 96 of 1975, s. 11.

14. (1) The Governor, on the recommendation of the Commissioner, may authorise and empower the Commissioner to provide highways and to provide main roads, and where such a road is provided it shall be deemed to have been proclaimed when it is opened to traffic as such.

(2) Before making any such recommendation the Commissioner shall take into account such matters as are mentioned in subsection (2) or subsection (3), as the case may require, of section 13 of this Act.

Property in and control of main roads.
Repealed and re-enacted by No. 35 of 1972, s. 3.
Amended by No. 96 of 1975, s. 12.

15. (1) The absolute property in the land over which a highway or main road is declared shall vest in the Crown.

(2) The Commissioner shall have the care, control and management of the land over which a highway or main road is declared.

- (3) The property in—
 - (a) the materials of all highways and main roads, and all live and dead timber and vegetation thereon, and all matters and things appurtenant thereto; and
 - (b) all buildings, fences, gates, posts, boards, stones, erections, and structures placed upon any highway or main road; and
 - (c) the scrapings of any highway or main road and all gravel, sand, and other material on any highway or main road,

shall vest in the Commissioner.

15A. (1) No person shall cut, break, bark, root up or otherwise damage, destroy or remove the whole or any part of any timber, tree, sapling, shrub, undergrowth, or wildflower in or upon any highway or main road without the prior consent in writing of the Commissioner except when such action is taken to remove a hazard.

Offences relating to damage and litter.
Added by No. 35 of 1972, s. 4.
Amended by No. 96 of 1975, s. 13.

(2) No person shall deposit any litter upon any highway or main road.

Penalty: Two hundred dollars.

Powers and Duties of Commissioner.

- 16. (1) The Commissioner may—
 - (a) make, form, level, grade, pave, improve and maintain all highways or main roads, and do all things necessary for or incidental to the proper management thereof;
 - (b) exercise in regard to any highway or main road any power which a local authority could exercise in regard thereto if such road were within its district.

Powers of Commissioner.
Amended by No. 7 of 1966, s. 4; No. 57 of 1967, s. 4; No. 35 of 1972, s. 5; No. 27 of 1974, s. 28; No. 96 of 1975, s. 14.

Main Roads.

(2) Subject to the provisions of section fifteen of this Act, the powers of any local authority over any highway or main road shall not be deemed to be taken away by this Act, but the exercise of such powers shall be subject to the control and direction of the Commissioner.

(3) A local authority may, at the request in writing of the Commissioner and as his agent, and at a cost to the Commissioner to be stated in such request, undertake, or may at its discretion, tender for and enter into any contract with the Commissioner for the construction, maintenance, and repair of any highway or main road within its district, or the construction of any secondary road within its district; and, subject to the work being done to the satisfaction of the Commissioner, the cost to the Commissioner stated in the request as aforesaid, or the amount stated in the contract, as the case may be, shall, subject to the conditions (if any) stated in such request or contract, be payable to the local authority out of the Main Roads Trust Account. In any case where a local authority undertakes the work at the request of the Commissioner and as his agent, and the actual cost incurred by the local authority exceeds the cost to the Commissioner stated in the request, the amount of the excess shall be deemed to be expense incurred by the local authority under the authority of paragraph (b) of section thirty-three.

(4) The Commissioner may, for the purposes of this Act, exercise such powers as may be delegated to him in writing from time to time under section one hundred and twelve and section one hundred and twelve A of the Public Works Act, 1902, by the Minister for the time being administering that Act, who is hereby authorised so to delegate his powers, and in any such case the provisions of section one hundred and thirteen and section one hundred and thirteen A of that Act shall also apply.

(5) The Commissioner may provide, construct, reconstruct, improve, maintain and supervise all or any of the works and undertakings mentioned in sections thirty-two and thirty-two A of this Act.

16A. (1) Where in the opinion of the Commissioner—

Road
closure.
Added by
No. 96 of
1975, s. 15.

- (a) a highway or main road or a part thereof has become unsafe for traffic generally or traffic of any particular class; or
- (b) a highway or main road or part thereof would be damaged by the passage of traffic generally or traffic of any particular class;

the Commissioner may cause that highway, main road or part to be closed to traffic generally or to traffic of any particular class, and may from time to time authorise the re-opening of that highway, main road or part to traffic generally or to traffic of any particular class.

(2) The Commissioner shall not cause a highway or main road or part thereof to be closed for any period of more than twenty-eight consecutive days, or for periods aggregating more than twenty-eight days in the space of one year, unless the consent of the Minister has first been obtained but may with that consent authorise the closure for any greater period or periods.

(3) Where a highway or main road or a part thereof is closed pursuant to this provision, the Commissioner shall cause signs to be erected at each end of that highway, main road or part; and a person who, without the authority of the Commissioner, interferes with any such sign commits an offence.

Penalty: Two hundred dollars.

(4) Every person who, without the authority of the Commissioner, drives a vehicles or causes a vehicle to be driven on a highway or main road or a part thereof that is closed to traffic generally, or drives a vehicle of any class or causes a vehicle of any class to be driven on a highway or main road or a part thereof that is closed to that class of vehicle, commits an offence.

Penalty: Two hundred dollars.

Commissioner to
conduct
experiments.

Amended
by No. 96 of
1975, s. 16.

17. The Commissioner, so far as any moneys legally available for the purpose permit, shall—

- (1) carry out all such surveys and investigations as may be necessary or expedient to ascertain—
 - (a) what roads shall be highways and what roads shall be main roads;
 - (b) the nature and extent of the resources of the State in metals, minerals, and materials suitable for the purposes of road construction and maintenance, and the most effective and economical methods of dealing with the same and for applying the same to, and utilising the same for the said purposes in, the whole or any part of the State;
 - (c) the most effective methods of road construction and maintenance for the whole or any part of the State; and
 - (d) what deviation (if any) in existing roads or what new roads should in his opinion be made so as to facilitate communication and improve conditions of traffic; and
- (2) conduct or cause to be conducted experiments with different materials to test their relative durability and suitability for the construction and maintenance of roads; and
- (3) record, publish, and make available for general information the results of all such surveys and investigations; and
- (4) purchase all land, machinery, tools, implements, and materials that may be needed for the purposes of this Act.

18. No contract involving an expenditure by the Commissioner of an amount exceeding fifty thousand dollars shall be entered into without the written consent of the Minister being first obtained.

No contract to be made exceeding \$50 000 without written consent of Minister.
Amended by No. 96 of 1975, s. 17.
Power to enter into agreements.
Added by No. 96 of 1975, s. 18.

18A. The Commissioner may, with the consent of the Minister, enter into any agreement with another person whereby that other person undertakes to pay for, or contribute towards, the expenditure to be incurred by the Commissioner in the construction or maintenance, or construction and maintenance, of any road which by this Act the Commissioner is authorised to construct or maintain.

19. The Commissioner shall also—

- (a) inspect and report on and construct or supervise roads and works when so desired by the Minister;
- (b) report to the Minister at least once a year, and on such other occasions as the Minister directs, on his proceedings under this Act;
- (c) keep a full and complete record of all stock, machinery, plant, and materials the property of the Commissioner under this Act;
- (d) supervise the construction, improvement, and maintenance of highways, main roads and secondary roads, and other works to be carried out under this Act; and
- (e) perform such other duties as may be prescribed.

Other duties of the Commissioner.
Amended by No. 96 of 1975, s. 19.

20. (1) Subject to the provisions of section twenty-eight A of this Act where the Commissioner, in reconstructing an existing road or building a new road, prejudicially affects the access to a property having a frontage thereto, the Commissioner shall at his own expense provide reasonable access to the reconstructed or new road.

Commissioner to provide access in certain cases.
Amended by No. 34 of 1952, s. 4.

(2) If in carrying out the provision of subsection (1) of this section it becomes necessary for the Commissioner 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 Commissioner shall give at least twenty-one days' notice of his intention to acquire, and in the event of the person requiring such access dissenting from his so doing, the Commissioner's responsibility under subsection (1) hereof shall cease.

Commis-
sioner may
request local
authority to
furnish
information.

21. The Commissioner may request any local authority to furnish any information respecting any road or work under the control of such authority, and if the information is available it shall be furnished to the Commissioner by the local authority within one month.

Construction
of works.
Repealed
and
re-enacted
by No. 53 of
1976, s. 6.

22. The Commissioner may, with the approval of the Minister, construct and maintain on any road works necessary for facilitating the exercise of the powers conferred on the Commissioner by this Act, and the approval so given shall be sufficient authority for the carrying out of any works incidental to the exercise of those powers.

Penalty for
defacing
works, etc.
Amended
by No. 113
of 1965, s. 8.

23. Any person who obliterates, removes, or defaces any signs, marks, trenches, posts, 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; or establishing distances, warnings, directions and the like, shall be guilty of an offence and liable on conviction to a penalty not exceeding forty dollars.

Secondary Roads.

Heading substituted by No. 96 of 1975, s. 20.

Secondary roads. Substituted by No. 96 of 1975, s. 21.

24. (1) The Governor, on the recommendation of the Commissioner, may—

- (a) declare any road to be a secondary road for the purposes of this Act;
- (b) authorise and empower the Commissioner to provide and construct any secondary road.

(2) A declaration made under this section may be revoked or varied by the Governor on the recommendation of the Commissioner.

(3) In considering whether to make any recommendation to the Governor that any road should be declared to be a secondary road, the Commissioner shall take into account—

- (a) the funds available or likely to be available for secondary roads;
- (b) whether the road is or will be in the near future a feeder route connecting producing areas with a highway or main road or with their market outlets or connecting centres of population;
- (c) whether the road is, or will be, the main means of access to a national park, scenic reserve or site, or seaside resort, and

before making any recommendation the Commissioner shall consult with the local authority.

(4) The powers of a local authority over a secondary road shall not be deemed to be taken away by this Act and the Commissioner may enter into agreements with local authorities for the construction of secondary roads or any parts of a secondary road.

(5) A local authority in whose district a secondary road or any part of a secondary road is situated shall be responsible for maintaining such secondary road or part; but where a secondary road, or part of a secondary road, follows the common boundary of two districts, the cost of the maintenance shall be apportionable between the local authorities of those districts and the Commissioner may determine the respective liabilities of each local authority.

(6) Where a local authority fails to maintain to the satisfaction of the Commissioner any construction works carried out by the Commissioner on a secondary road, the Commissioner may, by notice in writing, direct the local authority to carry out the works of maintenance specified in the notice within the period limited by the notice.

(7) Where a local authority fails to comply with a direction given under subsection (6) of this section, the Commissioner may carry out such works and any expenses so incurred by the Commissioner shall be repaid by the local authority to the Commissioner, and, if not repaid within three months after demand by the Commissioner, shall be deemed a debt due and payable to Her Majesty enforceable in the name of Her Majesty against the local authority and the revenues of the local authority.

(8) All moneys repaid by, or recovered from a local authority under this section shall be placed to the credit of the Main Roads Trust Account.

25. [*Repealed by No. 96 of 1975, s. 22.*]

Powers in respect of secondary roads.
Amended by No. 96 of 1975, s. 23.

26. The Minister, the Commissioner, and the officers acting under this Act shall have the same powers with regard to the provision and construction of secondary roads as are by this Act conferred on them regarding highways and main roads, and

the provisions of this Act regarding the provision and construction of highways and main roads, shall, as far as practicable, apply *mutatis mutandis* to secondary roads.

27. [*Repealed by No. 96 of 1975, s. 24.*]

Roads other than Declared Roads.

Heading added by No. 96 of 1975, s. 25.

27A. (1) The Commissioner may provide, construct or improve roads or parts of roads for the development of an area or for any other purpose, and any such road need not be declared to be a highway, a main road or a secondary road.

Roads which have not been declared as highways, main roads or secondary roads.

Added by No. 96 of 1975, s. 25.

(2) Before commencing the construction of any road pursuant to this section, the Commissioner shall consult with the local authority and when that road, or any part thereof, has been constructed or any work executed thereon, that road or part shall be the responsibility of the local authority in whose district it is situated and shall be maintained by that local authority.

(3) The Commissioner and officers acting under this Act shall have the same powers with regard to the provision and construction of roads under this section as are by this Act conferred on them regarding highways and main roads, and the provisions of this Act regarding the provision and construction of highways and main roads shall, as far as practicable, apply *mutatis mutandis* to any such roads.

Motor Traffic Passes.

28. (1) In this section "the relevant authority" means—

Motor traffic passes. Repealed and re-enacted by No. 53 of 1976, s. 7.

- (a) in relation to a highway or main road, the Commissioner; and
- (b) in relation to a secondary road, the Commissioner or the local authority when acting as agent of the Commissioner.

Main Roads.

(2) Subject to this section, where a road passes through a fence or is to be constructed to pass through a fence the relevant authority may construct a motor traffic pass and a gate.

(3) Where a fence includes a gate at or near the point where a motor traffic pass is to be constructed and it is necessary to remove the gate during construction, the relevant authority shall on the completion of the construction re-erect the gate in the fence at a point that is reasonably near the motor traffic pass.

(4) A motor traffic pass shall be constructed according to plans and specifications approved by the Commissioner.

(5) Except where the land so enclosed is used only for pastoral or grazing purposes, before the relevant authority commences the construction of a motor traffic pass it shall give not less than one month's written notice of its intention to construct the motor traffic pass to the occupier of the land enclosed by the fence.

(6) A person to whom notice is given pursuant to subsection (5) of this section may object to the construction of the motor traffic pass at any time within one month of the date of the notice by letter addressed to the relevant authority.

(7) Where the relevant authority gives notice of its intention to construct a motor traffic pass and receives an objection pursuant to subsection (6) of this section it shall not construct the motor traffic pass referred to in the notice unless the objection is subsequently withdrawn.

(8) The costs of constructing a motor traffic pass shall be borne by the relevant authority and the costs of maintaining a motor traffic pass shall be borne—

- (a) in the case of a highway or a main road, by the Commissioner; and

- (b) in the case of a secondary road, by the local authority of the district,

and where a gate is included in a fence at or near a motor traffic pass the costs of maintaining the gate in a proper state of repair shall be borne by the occupier of the land enclosed by the fence in which the motor traffic pass is constructed.

(9) The relevant authority shall not be liable for any damage or injury to any person lawfully using a motor traffic pass or for any damage or injury to livestock caused by the motor traffic pass, unless such damage or injury arises from the failure of the relevant authority to carry out any statutory duty in relation to the motor traffic pass.

(10) Where a gate installed at or near a motor traffic pass is not in a proper state of repair the relevant authority may serve notice to that effect on the person who pursuant to subsection (8) of this section is liable for the costs of maintaining the gate and if that person fails to put the gate into a proper state of repair the relevant authority may itself carry out such repairs to the gate as in its opinion are necessary and may recover the costs of carrying out those repairs from that person in any court of competent jurisdiction.

(11) Where a gate or a motor traffic pass has been, or both a gate and a motor traffic pass have been, constructed pursuant to the provisions of this Act across a road and the road passes through enclosed land from which a portion has been resumed for the purposes of the road, the relevant authority is not liable to fence or to bear the costs of any fencing along the sides of the road where it passes through the enclosed land and notwithstanding anything in the Public Works Act, 1902, where a claim for compensation is made with respect to any such resumption no compensation shall be paid with respect to the costs of fencing along the sides of the road.

Control of Access.

Heading substituted by No. 96 of 1975, s. 28.

Control of access areas. Added by No. 34 of 1952, s. 5. Amended by No. 113 of 1965, s. 8; No. 96 of 1975, s. 29. Cf. No. 24 of 1924, s. 27C, N.S.W.

28A. (1) (a) Where the Commissioner is of the opinion—

- (i) that any section or part of a road should have control of access and should be entered and departed from at specified places only; or
- (ii) that any land acquired should be reserved for a future road section with control of access,

the Commissioner shall make a recommendation to the Governor accordingly but may in so doing exclude a part of the road reserve from that recommendation.

(b) On the recommendation of the Commissioner the Governor may, by proclamation, declare—

- (i) that such a section or part of a road is subject to control of access, and the places only at which it may be entered or departed from; or
- (ii) that the land acquired is to be reserved for a future road section subject to control of access.

(c) Where the Commissioner is of opinion that a proclamation so made should be varied or cancelled, he shall make a recommendation to the Governor accordingly.

(d) If of opinion that the recommendation should be given effect, the Governor may, by subsequent proclamation, vary or cancel a former proclamation.

(e) Proclamations made pursuant to the provisions of this subsection, as well as being published in the *Gazette* shall also, if the Governor thinks fit, be published or made known in such other

manner as will, in the opinion of the Governor, afford reasonable opportunity to all persons concerned, to know of the substance of the proclamations.

(f) The powers conferred by this subsection may be exercised from time to time, and notwithstanding the provisions of section ninety-two of the Public Works Act, 1902.

(2) (a) There is no right of access into or from a section or part of a road subject to control of access except at the places provided pursuant to the provisions of this Act for the purpose.

(b) Where a right of access between a road section or part of a road not subject to control of access and the land adjoining that section or part is by operation of paragraph (a) of this subsection extinguished as a result of that section or part being declared to be subject to control of access, any person, the market value of whose estate or interest in that land is depreciated by the extinguishment of the right, is entitled to compensation for the depreciation.

(c) The amount of compensation, if any, is a sum equal to the difference between the market value, ascertained on such of the days mentioned in paragraph (d) or paragraph (e) of this subsection as is applicable, of the estate or interest when the right of access exists and that market value when the right is extinguished, less such amounts, if any, as are taken into account in respect of the matters mentioned in paragraph (j) of this subsection.

(d) If the proclamation declaring the section or part of the road to be subject to control of access is published in the *Gazette* on or before the thirtieth day of June in any year, the respective values referred to in paragraph (c) of this subsection are those obtaining on the first day of January next preceding the publication.

(e) If the proclamation declaring the section or part of the road to be subject to control of access is published after the thirtieth day of June in any year, the respective values mentioned in paragraph (c) of this subsection are those obtaining on the thirtieth day of June next preceding the publication.

(f) The Commissioner may enter into agreements relating to rights of access.

(g) By an agreement so entered into the Commissioner may agree—

- (i) on the amount of compensation;
- (ii) to pay that amount on execution of the agreement or upon such terms and conditions as the parties agree; and
- (iii) to the exercise of a right of access in respect of a section or part of a road subject to control of access but subject to such conditions and undertakings as having regard to the purposes of the section or part of a road subject to control of access he thinks fit.

(h) Where there is no agreement, Part III of the Public Works Act, 1902 as modified by the provisions of this subsection apply *mutatis mutandis* in respect of the compensation.

(i) For the purpose of the application of Part III of that Act to the provisions of this subsection, section thirty-six of that Act, which relates to the period of time within which the claim for compensation may be made, is regarded as if reference in that section to the date of publication in the *Gazette* of the notice of taking land were a reference to the date of publication in the *Gazette* of the relevant proclamation made pursuant to the provisions of subsection (1) of this section.

(j) (i) Where the compensation is to be assessed by the Court, the Court shall take into account in assessing the compensation—

agreement, if any, by the Commissioner pursuant to subparagraph (iii) of paragraph (g) of this subsection;

benefit, if any, which may accrue to land in which the claimant has an estate or interest as a result of the construction or improvement, by the Commissioner or any other authority at any time after the proclamation declaring the section or part of the road to be subject to control of access, upon land adjacent to the land in respect of which compensation is claimed, of a road whether a road to provide local access or any other road subsidiary to the road, or by reason of the proclamation declaring the section or part of the road to be subject to control of access.

(ii) Where there is an agreement or benefit mentioned in subparagraph (i) of this paragraph, the effect of the Court's taking it into account shall be specified in the Court's award.

(3) The provisions of—

subsection (4) of section thirteen;

sections fifteen to nineteen, both inclusive;

sections twenty-one to twenty three both inclusive; and

sections twenty-nine to thirty-five both inclusive;

of this Act, apply, *mutatis mutandis* in respect of sections or parts of a road subject to control of access.

(4) Notwithstanding the provisions of any Act a person shall not without the consent of the Commissioner use a section or part of a road subject to control of access for movement of live stock, except by transport in a vehicle in accordance with the provisions of this Act and the regulations.

(5) (a) The Commissioner may construct roads to provide local access and may carry a road to provide local access over or under any section or part of a road subject to control of access, or may carry a section or part of a road subject to control of access over or under a road to provide local access.

(b) The provisions of subsection (3) of section twenty-four of this Act, apply, *mutatis mutandis*, to a road to provide local access.

(6) A section or part of a road subject to control of access may, in accordance with the regulations, be divided into zones for the use of specified classes of traffic.

(7) A person who—

- (a) enters or leaves a section or part of a road subject to control of access otherwise than at a place provided pursuant to the provisions of this Act for that purpose;
- (b) without the consent of the Commissioner, constructs, forms or lays out any means of access to a section or part of a road subject to control of access or does not comply with the conditions of the consent where consent is given;
- (c) removes or damages the whole or part of an impediment erected by the Commissioner across a side road;
- (d) obliterates, removes or damages a notice erected by the Commissioner;
- (e) without the consent of the Commissioner uses a section or part of a road subject to control of access for movement of live stock, except by transport in a vehicle, in accordance with the provisions of this Act and the regulations; or
- (f) uses a zone of a section or part of a road subject to control of access for traffic otherwise than in accordance with the regulations,

commits an offence against this Act.

Penalty: Forty dollars.

28B. (1) Notwithstanding the provisions of any Act, no person, local authority or agent or instrumentality of the Crown, except the Commissioner, shall place on, over or under a section or part of a road subject to control of access or any land acquired, set apart, taken or resumed for a section or part of a road subject to control of access, any tower, pole, wire, pipe or other structure or apparatus of any kind, without the prior consent in writing of the Commissioner.

Prohibition on erection of structures, etc. on, over or under areas for control of access.
Added by No. 7 of 1966, s. 5.
Amended by No. 96 of 1975, s. 30.

(2) The Commissioner may by notice in writing, direct a person, local authority, agent or instrumentality of the Crown who or which has contravened subsection (1) of this section to remove, pull down or take up the tower, pole, wire, structure or apparatus placed on, over or under a section or part of a road subject to control of access or any land in contravention of that subsection.

(3) Where the person, local authority, agent or instrumentality of the Crown on whom or on which a notice referred to in subsection (2) of this section has been served, fails to comply with the notice within the time specified therein, the Commissioner—

- (a) may remove, pull down or take up the tower, pole, wire, pipe, structure or apparatus specified in the notice; and
- (b) may recover, in a court of competent jurisdiction as a civil debt due to him from the person, local authority, agent or instrumentality of the Crown, the amount of the expenses incurred by him in exercising the power conferred by paragraph (a) of this subsection.

29. (1) When and as often as land is required for the purposes of this Act, the Commissioner—

- (a) may acquire the land by negotiation or agreement; or

Modes of acquisition and procedure for taking land.
Repealed and re-enacted by No. 70 of 1966, s. 4.

- (b) may enter upon, survey and compulsorily acquire the land under the powers contained in and in accordance with the procedure prescribed by the Public Works Act, 1902.

(2) In addition to the other powers conferred on the Commissioner by this Act, the Commissioner may grant—

- (a) a lease or licence to occupy any land acquired by him under this section; and
- (b) any interest in that land,

to any person from whom the land was acquired upon such terms and conditions subject to subsection (3) of this section as he thinks fit and of which the Minister approves.

(3) Where the Commissioner pursuant to paragraph (b) of subsection (2) of this section, grants an interest that is an easement, unless the parties concerned otherwise agree, the easement shall not be revoked without compensation.

(4) The Commissioner may enter into agreements relating to such other matters and things as are necessary to give effect to the powers conferred on the Commissioner by this section and for the purpose of facilitating the acquisition and dealing with any land acquired under this section.

(5) Without limiting the generality of the powers conferred by this section, the provisions of this section relating to the acquisition of land, whether an interest is acquired separately from or together with any land, extends to the acquisition of an interest to use the subsoil or under surface of land, the surface of land or any space above the surface of land for the erection of any bridge over or under which a road is to pass and for the erection of the necessary supports therefor.

(6) Where—

- (a) land that consists only of a space above the natural surface is acquired under this section;

- (b) a road is constructed through that space; and
- (c) the road is proclaimed, reserved, declared or otherwise dedicated as a road under an Act,

the land shall not, if it is under the operation of the Transfer of Land Act, 1893 at the time it is so acquired, be removed from the operation of that Act, notwithstanding the provisions of this or any other Act.

(7) In applying the Public Works Act, 1902, to this Act the expressions, "land" and "interest" in that Act have the same respective meanings as they respectively have in section six of this Act,

Protection to the Commissioner and Officers.

30. [Repealed by No. 73 of 1954, ss. 5 and 8.]

The Main Roads Trust Account.

31. There shall be paid, from time to time, to the account maintained at the Treasury and known as the Main Roads Trust Account—

- (a) such moneys as are, from time to time, appropriated by Parliament for the purposes of this Act;
- (aa) moneys paid pursuant to an agreement entered into by the Commissioner under section eighteen A of this Act;
- (b) moneys paid to the Treasury, by a local authority, in respect of permanent works and the maintenance of highways, main roads, and secondary roads;

Main Roads Trust Account.
No. 5 of 1930, s. 30.
Renumbered s. 31 in 1943 reprint.
Repealed and re-enacted by No. 47 of 1969, s. 5.
Amended by No. 96 of 1975, s. 31.

- (c) moneys paid by the Commonwealth to the State, for the purposes of road construction, whether by virtue of an Act of the Parliament of the Commonwealth or otherwise; and
- (d) moneys that are payable to the account pursuant to the Road Traffic Act, 1974, or any other Act.

Appropriation of Main Roads Trust Account.

No. 5 of 1930, s. 31. Re-numbered s. 32 in 1943 reprint.

Repealed and re-enacted by No. 47 of 1969, s. 6.

Amended by No. 28 of 1974, s. 3; No. 96 of 1975, s. 32.

32. (1) The moneys standing to the credit of the Main Roads Trust Account shall be applied—

- (a) firstly, in meeting the costs of the administration of, and the exercise by the Commissioner of his functions under, this Act;
- (b) secondly, in payment of any amount specified or determined by the Treasurer to be paid—
 - (i) to the credit of the Consolidated Revenue Fund, 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; or
 - (ii) to the credit of the Transport Co-ordination Fund, pursuant to section thirteen of the Road Maintenance (Contribution) Act, 1965;
- (c) thirdly, in payment, annually, to the credit of the Railway Crossing Protection Fund Account, of an amount equal to the fees paid in the aggregate to the Road Traffic Authority established under the Road Traffic Act, 1974, for the transfer of motor vehicle licences reduced by half the amount of such of those fees as were paid during the same year to the Road Traffic Authority for the Perth Statistical Division as designated for the purpose of the Census taken in the year 1971;

- (d) fourthly, in payment to local authorities of the moneys payable pursuant to the succeeding provisions of this section;
- (e) fifthly, in expenditure, by the Commissioner, in such manner and proportions as the Minister may, on the recommendation of the Commissioner, from time to time determine, on road construction and other works, on making payments to local authorities or boards for road construction, on lights and signs for the direction of traffic and on the construction, erection and maintenance of lights for the lighting of any road or bridge; and
- (f) finally, for any other purpose that the Minister may, on the recommendation of the Commissioner, from time to time determine.

(2) For the purposes of subsections (3) to (6), inclusive of this section—

- (a) “relevant year” means each of the financial years ending on the thirtieth day of June, 1975, the thirtieth day of June, 1976 and the thirtieth day of June, 1977;
- (b) “Second Schedule” means the Second Schedule to this Act;
- (c) a reference to Zone A, Zone B, Zone C or Zone D is a reference to the appropriate Zone in the Second Schedule;
- (d) the expressions “construction”, “maintenance”, “national road”, “rural arterial road”, “rural road” and “urban arterial road” have the same respective meanings as they have in and for the purposes of the Roads Grants Act 1974 and the National Roads Act 1974, of the Parliament of the Commonwealth; and
- (e) the term “expenditure on road works from its own resources”, however expressed, in relation to a local authority includes, in addition to the meaning of road works

Main Roads.

expenditure under the Roads Grants Act 1974 of the Parliament of the Commonwealth, expenditure on footpaths, street lighting and cleaning and maintaining road verges.

(3) (a) This subsection applies to the local authorities specified in Zones C and D.

(b) An amount of \$7 561 930 shall be made available each relevant year from the Main Roads Trust Account and, subject to paragraph (c) of this subsection and subsections (5) and (6) of this section, is payable in that year to the local authorities as base and additional grants as specified in the Second Schedule, or as base and additional grants of such other amounts as determined from time to time by the Minister.

(c) Every base grant paid to a local authority pursuant to this section is so paid on condition that it shall be expended upon maintenance or construction, and every additional grant so paid to a local authority pursuant to this section is so paid on condition that it shall be expended upon construction of rural roads, other than rural arterial roads or national roads, in accordance with a programme to be approved by the Minister on the recommendation of the Commissioner.

(d) Notwithstanding the provisions of paragraph (c) of this subsection, where a local authority satisfies the Minister that the whole of its additional grant referred to in that paragraph cannot usefully be applied as required by that paragraph, the Minister may, where he is satisfied that special circumstances so warranting exist, approve of the expenditure of part of the additional grant upon maintenance of rural roads.

(4) (a) This subsection applies to the local authorities specified in Zones A and B.

(b) An amount of \$2 133 487 shall be made available each relevant year from the Main Roads Trust Account and, subject to paragraph (c) of this subsection and subsections (5) and (6) of this section, is payable in that year to the local

authorities as base grants as specified in the Second Schedule or as base grants of such other amounts as determined from time to time by the Minister.

(c) Every base grant paid to a local authority pursuant to this subsection is so paid on condition that it shall be expended upon maintenance or construction of roads generally, in accordance with a programme to be approved by the Minister on the recommendation of the Commissioner.

(d) An amount of \$4 266 973 shall be made available each relevant year from the Main Roads Trust Account, and of that amount \$3 246 456 shall be paid in that year into a Fund to be maintained by the Commissioner and known as the Inner Metropolitan Councils' Urban Road Fund, and \$1 020 517 shall be paid in that year into a fund to be maintained by the Commissioner and known as the Outer Metropolitan Councils' Urban Road Fund, but the Minister may, from time to time, vary the distribution of the amount of \$4 266 973 between those two Funds.

(e) Each local authority specified in Zone A may submit to the Commissioner each relevant year a programme containing projects for the construction of urban arterial roads and urban local roads and the Minister may, on the recommendation of the Commissioner, approve any such project, in which event moneys may be paid out of the Inner Metropolitan Councils' Urban Road Fund to the local authority to meet expenditure incurred upon the project so approved.

(f) Each local authority specified in Zone B may submit to the Commissioner each relevant year a programme containing projects for the construction of urban arterial roads and urban local roads and the Minister may, on the recommendation of the Commissioner, approve any such project, in which event moneys may be paid out of the Outer Metropolitan Councils' Urban Road Fund to the local authority to meet expenditure incurred upon the project so approved.

(g) Where a project submitted by a local authority specified in Zone B does not qualify for expenditure out of such of the moneys within the Outer Metropolitan Councils' Urban Road Fund as are derived from payments made under the Roads Grants Act 1974 of the Parliament of the Commonwealth, the Minister may, where he is satisfied that special circumstances so warranting exist, approve of the payment out of other moneys within that Fund to the local authority to meet expenditure incurred upon that project.

(5) (a) Such moneys paid to local authorities under subsections (3) and (4) of this section as are derived from payments made under the Roads Grants Act 1974 of the Parliament of the Commonwealth are paid on condition that the moneys are expended in accordance with the terms and conditions specified in that Act, and all moneys paid to local authorities under subsections (3) and (4) of this section are paid on the condition that the moneys are expended on works or projects approved by the Minister on the recommendation of the Commissioner, but the Minister may, on the recommendation of the Commissioner, approve of variations in works or projects previously approved.

(b) Where moneys within the Inner Metropolitan Councils' Urban Road Fund or the Outer Metropolitan Councils' Urban Road Fund are not expended within the time specified in the Roads Grants Act 1974 of the Parliament of the Commonwealth, the Commissioner may transfer those moneys to the Main Roads Trust Account.

(c) The Minister may delegate to the Commissioner all or any of his powers under paragraph (c) of subsection (3) of paragraphs (c), (e) and (f) of subsection (4) of this section, and paragraph (a) of this subsection.

(6) (a) Notwithstanding the provisions of paragraph (b) of subsection (3) and paragraph (b) of subsection (4) of this section, the amount which

any local authority specified in Zone A, B or C may receive as a base grant for a relevant year shall be the lesser of the following amounts, namely—

- (i) its base grant shown in the Second Schedule; or
- (ii) the amount determined by applying the following grant quota to the expenditure on road works by the local authority from its own resources for that year—

Zone A—\$1 grant for each \$2 expenditure on road works from its own resources;

Zone B—\$1 grant for each \$1.50 expenditure on road works from its own resources;

Zone C—\$1 grant for each \$1 expenditure on road works from its own resources.

(b) Notwithstanding the provisions of paragraph (b) of subsection (3) of this section, the amount which any local authority specified in Zone D may receive as a base grant for a relevant year shall be the lesser of the following amounts, namely—

- (i) the base grant shown in the Second Schedule; or
- (ii) the amount determined by applying the grant quota that is determined from time to time by the Minister to be applicable to the local authority in relation to expenditure on road works from its own resources for that year.

(c) Where the amount expended by a local authority on road works from its own resources in a relevant year exceeds the amount required for the local authority to receive its full entitlement of the base grant pursuant to paragraph (a) or (b) of this subsection, the excess expenditure shall be treated, for the purposes of this subsection, as expenditure by the local authority during the next succeeding relevant year.

(d) A local authority shall not be regarded, for the purposes of paragraphs (a), (b) or (c) of this subsection, as having expended any particular amounts on road works from its own resources unless such expenditure is certified to be correct by audit pursuant to Part XXVII of the Local Government Act, 1960; and, in any event, where the Minister is satisfied that an amount paid to a local authority under this section exceeds the amount that was properly payable, he may require the local authority to repay the amount of the excess to the Main Roads Trust Account and may cause any amount so repayable but not repaid to be deducted from any other amount that may become payable to the local authority under this Act.

(7) The Minister may authorise the making of advances of such amounts and at such times as he thinks fit, on account of any amount that may become payable to a local authority under this section.

(8) The warrant of the Commissioner is sufficient authority to the Treasurer to make any payment provided by this section; and, in authorising any such payment the Commissioner shall make such adjustments, in respect of moneys erroneously or improperly paid to the Main Roads Trust Account, as the circumstances may from time to time require.

(9) Any unexpended moneys standing to the credit of the Main Roads Trust Account, at the end of a financial year, may be applied under this section to any other year, without fresh appropriation.

(2) Moneys paid to the credit of the Railway Crossing Protection Fund Account shall be applied in meeting the cost of providing, improving, maintaining and repairing such crossings under, across or above railways in the State as the Minister may, on the recommendation of the Commissioner, from time to time determine.

33. It shall be lawful for any local authority to expend out of its ordinary revenue, or money borrowed for the purpose under its borrowing powers, such sums as the local authority may in its discretion think fit—

Authority for expenditure by local authorities. No. 5 of 1930, s. 32. Renumbered s. 33 in 1943 reprint. Amended by No. 96 of 1975, s. 33.

- (a) in payment to the Commissioner of contribution to the cost of the construction of any highway, main road, or secondary road; or
- (b) in payment of the expense incurred by the local authority in the construction, maintenance, or repair of any highway, main road or secondary road undertaken by the local authority,

so far as any such road is within the district of the local authority.

33A. [*Added by No. 47 of 1969, s. 7. Repealed by No. 28 of 1974, s. 4.*]

Control of Advertisements.

33B. (1) The Governor may, on the recommendation of the Commissioner, make regulations for controlling and prohibiting the erection or construction of hoardings or other advertising structures, and to enforce the removal of hoardings and other advertising structures, on or in the

Control of advertisements. Added by No. 35 of 1972, s. 6. Amended by No. 96 of 1975, s. 34.

vicinity of highways, main roads, and sections or part of a road subject to control of access, and for restricting, preventing or controlling the exhibition of advertisements and for the removal of advertisements on or in the vicinity of highways, main roads, and sections or part of a road subject to control of access where such hoardings or other advertising structures are considered to be hazardous to traffic safety or are aesthetically objectionable and in the case of such hoardings or other advertising structures erected on private property where the property owner refuses either to remove the sign or transfer it to another site acceptable to the Commissioner.

(2) (a) Any person dissatisfied with any direction given by the Commissioner under a regulation made under the provisions of this section may, within fourteen days after the direction is communicated to him, appeal in writing to the Minister.

(b) The Minister shall hear and determine such appeal and may appoint a committee to investigate and report on any matters referred to such committee by the Minister in connection with such appeal.

(c) The decision of the Minister on any such appeal shall be final and shall be given effect to by the parties.

Delegation
of powers
to local
authorities.
Added by
No. 35 of
1972, s. 6.

33C. (1) The Commissioner may—

(a) delegate to a local authority all or any of his powers and functions under a regulation made pursuant to the provisions of section thirty-three B of this Act; and

(b) vary or revoke a delegation given by him.

(2) A power or function delegated by the Commissioner may be exercised or performed by the delegate local authority—

(a) in accordance with the instrument of delegation; and

(b) if the exercise of the power or the performance of the function is dependent upon the opinion or belief of the Commis-

sioner in relation to a matter—upon the opinion or belief of the delegate local authority in relation to that matter.

(3) A delegation under this section does not prevent the exercise of a power or the performance of a function by the Commissioner.

34. [*Repealed by No. 67 of 1964, s. 9.*]

Regulations.

35. The Governor may, on the recommendation of the Commissioner, make regulations not inconsistent with this Act, prescribing all things which by this Act are required or permitted to be prescribed or which it may be necessary or convenient to prescribe for the purpose of giving effect to the objects and purposes of this Act, including regulations prescribing the travelling expenses to be allowed to the Commissioner and his officers, and may by such regulations prescribe penalties for offences against the regulations not exceeding in any case the sum of forty dollars and regulations relating to the employment by the Commissioner of persons as cadets.

Power to make regulations. No. 5 of 1930, s. 34. Renumbered s. 35 in 1943 reprint. Amended by No. 6 of 1955, s. 3; No. 113 of 1965, s. 8; No. 7 of 1966, s. 6; No. 35 of 1972, s. 7.

SCHEDULES.

Headings substituted by No. 47 of 1969, s. 8.

FIRST SCHEDULE.

The Main Roads Act, 1925.

The Main Roads Act Amendment Act, 1929.

SECOND SCHEDULE
Grants to Local Authorities

Second Schedule. Added by No. 47 of 1969, s. 9; Substituted by No. 28 of 1974, s. 5.

Zone A:	Base Grant
City of—	\$
Perth	257 156
Fremantle	69 054
Melville	140 383
Nedlands	57 249
South Perth	79 792
Stirling	406 074
Subiaco	43 381

Main Roads.

	Base. Grant \$	Additional Grant \$
Zone A:		
Town of—		
Canning	106 745	
Claremont	22 757	
Cockburn ..	79 366	
Cottesloe ..	20 481	
East Fremantle ..	17 637	
Gosnells	87 331	
Mosman Park	17 139	
Shire of—		
Bassendean	29 513	
Bayswater	97 145	
Belmont	88 042	
Peppermint Grove	3 983	
Zone B:		
Shire of—		
Armadale-Kelmscott	81 428	
Kalamunda	74 459	
Kwinana ..	46 154	
Mundaring	56 822	
Rockingham	51 346	
Swan	93 945	
Wanneroo	106 105	
Zone C:		
Town of—		
Albany	87 870	175 741
Bunbury ..	107 191	214 382
Geraldton	90 456	180 913
Kalgoorlie	43 146	86 292
Narrogin ..	25 526	51 052
Northam ..	37 344	74 687
Shire of—		
Albany	38 897	77 794
Augusta-Margaret River	23 165	46 330
Beverley	18 159	36 319
Boddington	6 193	12 386
Boyup Brook	19 863	39 727
Bridgetown-Greenbushes	26 305	52 611
Brookton ..	14 293	28 587
Broomehill	8 622	17 243
Bruce Rock	26 012	52 024
Busselton ..	47 319	94 639
Capel	20 759	41 519

Main Roads.

Shire of—	Base Grant \$	Additional Grant \$
Carnamah	10 658	21 317
Chapman Valley	12 025	24 051
Chittering	10 077	20 155
Collie	41 434	82 868
Coorow	12 024	24 048
Corrigin	25 038	50 077
Cranbrook	16 564	33 129
Cuballing	7 395	14 790
Cunderdin	25 251	50 502
Dalwallinu	35 256	70 513
Dandaragan	15 740	31 480
Dardanup	18 182	36 364
Denmark	14 095	28 191
Donnybrook-Balingup ..	26 199	52 397
Dowerin	15 299	30 597
Dumbleyung	17 464	34 927
Esperance	73 308	146 615
Gingin	16 235	32 469
Gnowangerup	40 032	80 065
Goomalling	16 466	32 932
Greenough	16 205	32 409
Harvey	48 697	97 394
Irwin	8 624	17 248
Katanning	37 472	74 945
Kellerberrin	22 667	45 334
Kent	14 714	29 427
Kojonup	28 677	57 353
Kondinin	19 114	38 229
Koorda	16 778	33 555
Kulin	17 064	34 127
Lake Grace	25 933	51 865
Mandurah	29 640	59 281
Manjimup	56 749	113 497
Merredin	42 187	84 374
Mingenew	10 859	21 718
Moora	31 948	63 897
Morawa	21 858	43 715
Mt. Marshall	20 943	41 885
Mukinbudin	16 014	32 027
Mullewa	22 479	44 959
Murray	23 830	47 659
Nannup	6 348	12 697
Narembeen	20 324	40 647
Narrogin	13 752	27 505
Northam	24 384	48 769
Northampton	21 984	43 969
Nungarin	8 901	17 802
Perenjori	19 084	38 168
Pingelly	13 509	27 017

Main Roads.

Shire of—	Base Grant \$	Additional Grant \$
Plantagenet	38 019	76 039
Quairading	20 696	41 392
Ravensthorpe	12 642	25 283
Tambellup	11 762	23 523
Tammin	9 904	19 807
Three Springs	13 160	26 321
Toodyay	15 552	31 105
Trayning	12 868	25 737
Victoria Plains	17 834	35 669
Wagin	25 947	51 893
Wandering	6 502	13 004
Waroona	17 206	34 413
West Arthur	15 163	30 327
Westonia	11 565	23 130
Wickepin	15 345	30 689
Williams	12 235	24 471
Wongan-Ballidu	27 127	54 255
Woodanilling	7 542	15 085
Wyalkatchem	15 831	31 662
Yilgarn	27 589	55 178
York	17 999	35 997
Serpentine-Jarrahdale	15 635	31 269
Zone D:		
Shire of—		
Boulder	68 771	137 543
Broome	10 949	21 899
Carnarvon	44 482	88 963
Coolgardie	12 253	24 505
Cue	1 965	3 931
Dundas	16 395	32 791
East Pilbara	13 281	26 563
Exmouth	16 830	33 660
Hall's Creek	5 174	10 348
Laverton	1 713	3 425
Leonora	6 645	13 291
Meekatharra	12 789	25 577
Menzies	3 221	6 442
Mt. Magnet	4 451	8 903
Murchison	4 383	8 767
Port Hedland	73 275	146 549
Roebourne	35 332	70 664
Sandstone	2 379	4 758
Shark Bay	2 450	4 901
Upper Gascoyne	3 506	7 013
West Kimberley	18 614	37 227
West Pilbara	13 668	27 337
Wiluna	1 577	3 155
Wyndham-East Kimberley	24 557	49 115
Yalgoo	3 255	6 511