

MAIN ROADS.

No. 21 of 1980.

AN ACT to amend the Main Roads Act 1930-1979.

[Assented to 15 October 1980.]

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

1. (1) This Act may be cited as the *Main Roads Amendment Act 1980*.

Short title
and citation

(2) In this Act the Main Roads Act 1930-1979 is referred to as the principal Act.

Approved for
reprint 16
December
1976, and
amended by
Acts Nos. 54
of 1977 and
9 of 1979.

(3) The principal Act as amended by this Act may be cited as the Main Roads Act 1930-1980.

Section 32
amended.

2. Section 32 of the principal Act is amended by repealing subsections (2) to (14), both inclusive, and substituting the following subsections—

“ (2) In this subsection and in subsections (3) to (12), both inclusive, unless the contrary intention appears—

(a) “determined” means determined by the Minister on the recommendation of the Commissioner;

“Group” means a Group of local authorities set out in the Second Schedule or created pursuant to subparagraph (iii) of paragraph (a) of subsection (12), or, where such a Group has been altered pursuant to subparagraph (i) of paragraph (a) of subsection (12), that Group as so altered;

“Second Schedule” means the Second Schedule to this Act;

“subsection” means a subsection of this section;

“subsequent year” means a year other than the first year;

“the Commonwealth Act” means the Roads Grants Act 1980 of the Parliament of the Commonwealth as amended from time to time, or, if that Act has expired or been repealed, the Act of that Parliament for the time being granting financial assistance to the State for expenditure on the construction or maintenance of roads for which local authorities are responsible;

“the first matching period” means the period commencing on the first day of July 1980 and ending on the thirtieth day of June 1983;

“the first year” means the year ending on the thirtieth day of June 1981;

“the prescribed table”—

(i) in relation to the first year, means the table of grants set out in the Second Schedule;

(ii) in relation to a subsequent year, means such table of grants to local authorities as is determined in relation to that year for the purposes of paragraph (b) of subsection (3) and paragraph (b) of subsection (5);

“the second matching period” means the period commencing on the first day of July 1983 and ending on the thirtieth day of June 1985;

“year” means a financial year during the period commencing on the first day of July 1980 and ending on the thirtieth day of June 1985;

(b) the expressions “arterial road”, “construction”, “local road” and “maintenance” have the same respective meanings as they have in and for the purposes of the Commonwealth Act;

(c) the term “expenditure on road works from its own resources”, however expressed, in relation to a local authority, includes, in addition to expenditure on construction and maintenance of roads, expenditure on footpaths, street lighting and cleaning and maintaining road verges.

(3) (a) This subsection applies to Groups C, D and E and to any other Group to which it is declared to apply pursuant to paragraph (b) of subsection (12).

(b) The prescribed amount shall be made available each year from the Main Roads Trust Account and, subject to paragraph (d) of this subsection and subsections (4), (7) and (8) and paragraph (a) of subsection (9), is payable in that year to the local authorities in the Groups to which this subsection applies as base and additional grants as specified in the prescribed table.

(c) In paragraph (b) of this subsection “the prescribed amount”—

(i) in relation to the first year, means \$12 373 560;

(ii) in relation to a subsequent year, means such amount as is determined in relation to that year for the purposes of that paragraph.

(d) Every base grant paid to a local authority pursuant to this subsection is so paid on condition that it will be expended on maintenance or construction of roads, and every additional grant paid to a local authority pursuant to this subsection is so paid on condition that it shall be expended on construction of roads, and every grant of either kind paid to a local authority pursuant to this subsection is so paid on condition that

expenditure thereof on construction of roads shall be in accordance with a programme to be approved by the Minister on the recommendation of the Commissioner.

(e) Notwithstanding paragraph (d) of this subsection, where a local authority satisfies the Minister that it cannot usefully apply the whole of its additional grant referred to in that paragraph 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 roads.

(4) (a) Notwithstanding paragraph (b) of subsection (3), the amount which any local authority in Group C or D may receive under subsection (3) as a base grant for a year during the first matching period shall be reduced by the amount, if any, by which its base grant as specified in the Second Schedule exceeds the amount calculated by applying the following quota of grant to quota of expenditure on road works by the local authority from its own resources for that year—

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

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

(b) where in respect of the second matching period a quota of grant to quota of expenditure formula is determined for the purposes of this paragraph in relation to a Group to which subsection (3) applies, then, notwithstanding paragraph (b) of subsection (3), the amount which any local authority in that Group may receive under subsection (3) as a base grant for a year during that matching period (in this paragraph called “the subject year”) shall be reduced by the amount, if any, by which its base grant as specified in the

prescribed table for the year ending on the thirtieth day of June 1984 exceeds the amount calculated by applying the formula so determined to the amount expended on road works by the local authority from its own resources for the subject year.

(5) (a) This subsection applies to Groups A and B and to any other Group to which it is declared to apply pursuant to paragraph (b) of subsection (12).

(b) The prescribed amount shall be made available each year from the Main Roads Trust Account and, subject to paragraph (d) of this subsection and subsections (6), (7) and (8) and paragraph (a) of subsection (9), is payable in that year to the local authorities in the Groups to which this subsection applies as base grants as specified in the prescribed table.

(c) In paragraph (b) of this subsection “the prescribed amount”—

(i) in relation to the first year, means \$2 996 280;

(ii) in relation to a subsequent year, means such amount as is determined in relation to that year for the purposes of that paragraph.

(d) Every base grant paid to a local authority pursuant to this subsection is so paid on the conditions that—

(i) it will be expended on construction or maintenance of local roads;

(ii) not less than one half of it will be expended on construction; and

(iii) expenditure thereof on construction shall be in accordance with a programme to be approved by the Minister on the recommendation of the Commissioner.

(e) Notwithstanding paragraph (d) of this subsection where a local authority satisfies the Minister that it cannot usefully apply one half of its base grant referred to in that paragraph to the construction of local roads as required by that paragraph, the Minister may, where he is satisfied that special circumstances so warranting exist, approve of the expenditure of the whole of the base grant, or some fraction thereof exceeding one half, on the maintenance of local roads.

(f) The prescribed amount shall be made available each year from the Main Roads Trust Account and the prescribed portions thereof shall be paid in that year into Funds to be maintained by the Commissioner and known respectively as the Inner Metropolitan Councils' Urban Road Fund and the Outer Metropolitan Councils' Urban Road Fund.

(g) In paragraph (f) of this subsection—

“the prescribed amount”—

- (i) in relation to the first year, means \$5 992 560;
- (ii) in relation to a subsequent year means such amount as is determined in relation to that year for the purposes of that paragraph;

“prescribed portions”—

- (i) in relation to the first year, means \$4 104 100 to the Inner Metropolitan Councils' Urban Road Fund and \$1 888 460 to the Outer Metropolitan Councils' Urban Road Fund;
- (ii) in relation to a subsequent year means such portions as are determined in relation to that year for the purposes of that paragraph.

(h) Each local authority in Group A or B may submit to the Commissioner each year a programme containing projects for the construction of arterial roads and local roads and the Minister may, on the recommendation of the Commissioner, approve any such project in which event moneys may be paid to the local authority out of—

(i) the Inner Metropolitan Councils' Urban Road Fund in the case of a local authority specified in Group A;

or

(ii) the Outer Metropolitan Councils' Urban Road Fund in the case of a local authority specified in Group B,

to meet expenditure incurred on the projects so approved.

(6) (a) Notwithstanding paragraph (b) of subsection (5) the amount which any local authority in Group A or B may receive as a base grant for a year during the first matching period shall be reduced by the amount, if any, by which its base grant as specified in the Second Schedule exceeds the amount calculated by applying the following quota of grant to quota of expenditure on road works by the local authority from its own resources for that year—

Group A—\$1 grant for each \$5 expenditure on road works from its own resources;

Group B—\$1 grant for each \$4 expenditure on road works from its own resources.

(b) Where in respect of the second matching period a quota of grant to quota of expenditure formula is determined for the purposes of this paragraph in relation to a Group to which subsection (5) applies, then, notwithstanding paragraph (b) of subsection (5), the amount which any local authority in that Group may receive under subsection (5)

as a base grant for a year during that matching period (in this paragraph called "the subject year") shall be reduced by the amount, if any, by which its base grant as specified in the prescribed table for the year ending on the thirtieth day of June 1984 exceeds the amount calculated by applying the formula so determined to the amount expended on road works by the local authority from its own resources for the subject year.

(7) Where the sum of the amounts expended by a local authority on road works from its own resources over the whole of the first matching period or the second matching period exceeds the sum of the amounts required for that local authority to receive its full entitlement of the base grant for each year of that matching period, that local authority shall receive its full entitlement of the base grants, notwithstanding that a deficit is carried forward from one of those years to the next and notwithstanding subsection (4) or subsection (6).

(8) Where in respect of any year a local authority satisfies the Minister that because of special circumstances existing there should be a reduction in its quota of expenditure on road works from its own resources, the Minister may reduce the quota of expenditure for that local authority notwithstanding subsection (4) or subsection (6).

(9) (a) Such moneys paid to local authorities under subsections (3) and (5) as are derived from payments made under the Commonwealth Act are paid on the condition that the moneys are expended in accordance with the terms and conditions specified in the Commonwealth Act, and all moneys paid to local authorities under those subsections 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 work 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 Commonwealth Act, the Commissioner may transfer those moneys to the Main Roads Trust Account.

(10) The Minister may delegate to the Commissioner all or any of his powers under paragraph (d) of subsection (3), paragraphs (d) and (h) of subsection (5) and paragraph (a) of subsection (9).

(11) A local authority shall not be regarded, for the purposes of subsections (4), (6), (7) and (8) 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.

(12) (a) For the purposes of the second matching period the Minister, on the recommendation of the Commissioner, may, by instrument in writing, —

(i) alter any Group by adding the name of a local authority thereto or removing the name of a local authority therefrom;

(ii) abolish a Group; or

(iii) create a new Group consisting of such local authorities as are named in the instrument.

(b) In the instrument creating a Group pursuant to subparagraph (iii) of paragraph (a) of this subsection the Minister shall declare which of subsection (3) or subsection (5) shall apply to that Group.

(c) In order to facilitate the application of the provisions of subsections (2) to (11), both inclusive, to and in relation to a Group created pursuant to subparagraph (iii) of paragraph (a) of this subsection the Minister may, by instrument in writing, direct that those provisions be read with such variations and modifications as are specified in the instrument.

(d) An instrument made under this subsection shall have and be given effect according to its tenor.

(13) 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.

(14) 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 adjustment, in respect of moneys erroneously or improperly paid to the Main Roads Trust Account as the circumstances may from time to time require.

(15) 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. " .

Second
Schedule
substituted.

3. The Second Schedule to the principal Act is deleted and the following Schedule is substituted—

“ SECOND SCHEDULE S.32.

| | Base Grant \$ |
|------------------|---------------------|
| Group A: | |
| City of— | |
| Belmont | 105 080 |
| Canning | 165 490 |
| Cockburn | 112 880 |
| Fremantle | 76 340 |
| Gosnells | 155 300 |
| Melville | 178 010 |
| Nedlands | 65 300 |
| Perth | 288 350 |
| South Perth | 95 320 |
| Stirling | 505 050 |
| Subiaco | 48 060 |
| Town of— | |
| Bassendean | 38 560 |
| Claremont | 25 840 |
| Cottesloe | 22 990 |
| East Fremantle | 19 320 |
| Mosman Park | 20 300 |
| Shire of— | |
| Bayswater | 124 700 |
| Peppermint Grove | 5 160 |
| Group B: | |
| Town of— | |
| Armadale | 124 720 |
| Kwinana | 60 090 |

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| | Base Grant \$ | Additional Grant \$ |
|------------------------|---------------------|---------------------------|
| Shire of— | | |
| Kalamunda | 119 870 | |
| Mundaring | 85 270 | |
| Rockingham | 84 520 | |
| Serpentine-Jarrahdale | 53 000 | |
| Swan | 129 690 | |
| Wanneroo | 287 070 | |
| Group C: | | |
| City of— | | |
| Bunbury | 267 005 | 267 005 |
| Town of— | | |
| Albany | 175 350 | 175 350 |
| Geraldton | 238 635 | 238 635 |
| Kalgoorlie | 109 975 | 109 975 |
| Narrogin | 70 520 | 70 520 |
| Northam | 92 440 | 92 440 |
| Shire of— | | |
| Albany | 102 905 | 102 905 |
| Augusta-Margaret River | 77 405 | 77 405 |
| Beverley | 41 805 | 41 805 |
| Boddington | 18 800 | 18 800 |
| Boyup Brook | 59 275 | 59 275 |
| Bridgetown-Greenbushes | 56 280 | 56 280 |
| Brookton | 29 900 | 29 900 |
| Broomehill | 19 530 | 19 530 |
| Bruce Rock | 56 210 | 56 210 |
| Busselton | 116 305 | 116 305 |
| Capel | 39 745 | 39 745 |
| Carnamah | 35 240 | 35 240 |
| Chapman Valley | 30 960 | 30 960 |
| Chittering | 24 080 | 24 080 |
| Collie | 82 440 | 82 440 |
| Coorow | 34 665 | 34 665 |
| Corrigin | 54 985 | 54 985 |
| Cranbrook | 43 730 | 43 730 |
| Cuballing | 21 775 | 21 775 |
| Cunderdin | 48 825 | 48 825 |
| Dalwallinu | 70 660 | 70 660 |

| | Base Grant | Additional Grant |
|---------------------|---------------|---------------------|
| | \$ | \$ |
| Dandaragan | 63 480 | 63 480 |
| Dardanup | 41 145 | 41 145 |
| Denmark | 35 235 | 35 235 |
| Donnybrook-Balingup | 53 990 | 53 990 |
| Dowerin | 40 190 | 40 190 |
| Dumbleyung | 36 945 | 36 945 |
| Esperance | 188 875 | 188 875 |
| Gingin | 38 825 | 38 825 |
| Gnowangerup | 97 550 | 97 550 |
| Goomalling | 32 355 | 32 355 |
| Greenough | 55 745 | 55 745 |
| Harvey | 90 940 | 90 940 |
| Irwin | 23 740 | 23 740 |
| Katanning | 77 785 | 77 785 |
| Kellerberrin | 53 115 | 53 115 |
| Kent | 42 010 | 42 010 |
| Kojonup | 61 090 | 61 090 |
| Kondinin | 49 395 | 49 395 |
| Koorda | 42 750 | 42 750 |
| Kulin | 51 380 | 51 380 |
| Lake Grace | 74 310 | 74 310 |
| Mandurah | 89 915 | 89 915 |
| Manjimup | 134 875 | 134 875 |
| Merredin | 118 180 | 118 180 |
| Mingenew | 22 275 | 22 275 |
| Moora | 69 755 | 69 755 |
| Morawa | 38 465 | 38 465 |
| Mt Marshall | 55 000 | 55 000 |
| Mukinbudin | 37 085 | 37 085 |
| Mullewa | 50 305 | 50 305 |
| Murray | 76 090 | 76 090 |
| Nannup | 37 520 | 37 520 |
| Narembeen | 57 365 | 57 365 |
| Narrogin | 31 485 | 31 485 |
| Northam | 55 295 | 55 295 |
| Northampton | 55 715 | 55 715 |
| Nungarin | 19 080 | 19 080 |
| Perenjori | 49 595 | 49 595 |
| Pingelly | 36 250 | 36 250 |
| Plantagenet | 84 690 | 84 690 |
| Quairading | 44 250 | 44 250 |
| Ravensthorpe | 43 865 | 43 865 |

| | Base Grant | Additional Grant |
|-----------------|---------------|---------------------|
| | \$ | \$ |
| Tambellup | 23 370 | 23 370 |
| Tammin | 22 685 | 22 685 |
| Three Springs | 30 190 | 30 190 |
| Toodyay | 29 915 | 29 915 |
| Trayning | 30 995 | 30 995 |
| Victoria Plains | 45 395 | 45 395 |
| Wagin | 51 310 | 51 310 |
| Wandering | 15 550 | 15 550 |
| Waroon | 32 505 | 32 505 |
| West Arthur | 39 130 | 39 130 |
| Westonia | 26 590 | 26 590 |
| Wickepin | 36 110 | 36 110 |
| Williams | 29 785 | 29 785 |
| Wongan-Ballidu | 68 150 | 68 150 |
| Woodanilling | 17 955 | 17 955 |
| Wyalkatchem | 33 630 | 33 630 |
| York | 46 410 | 46 410 |

Group D:

Shire of—

| | | |
|--------------|---------|---------|
| Boulder | 125 990 | 125 990 |
| Carnarvon | 114 630 | 114 630 |
| Coolgardie | 74 030 | 74 030 |
| Exmouth | 30 950 | 30 950 |
| Port Hedland | 119 870 | 119 870 |
| Roebourne | 116 520 | 116 520 |
| Yilgarn | 96 625 | 96 625 |

Group E:

Shire of—

| | | |
|--------------|--------|--------|
| Broome | 29 605 | 29 605 |
| Cue | 7 865 | 7 865 |
| Dundas | 29 145 | 29 145 |
| East Pilbara | 45 735 | 45 735 |
| Halls Creek | 28 010 | 28 010 |
| Laverton | 14 930 | 14 930 |
| Leonora | 21 500 | 21 500 |
| Meekatharra | 30 300 | 30 300 |
| Menzies | 14 420 | 14 420 |
| Mt Magnet | 8 860 | 8 860 |
| Murchison | 14 930 | 14 930 |

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| | Base Grant | Additional Grant |
|------------------------|---------------|---------------------|
| | \$ | \$ |
| Sandstone | 9 900 | 9 900 |
| Shark Bay | 11 225 | 11 225 |
| Upper Gascoyne | 17 010 | 17 010 |
| West Kimberley | 47 070 | 47 070 |
| West Pilbara | 43 965 | 43 965 |
| Wiluna | 25 480 | 25 480 |
| Wyndham-East Kimberley | 39 780 | 39 780 |
| Yalgoo | 11 410 | 11 410 " |
