

MAIN ROADS.

No. 54 of 1977.

AN ACT to amend section twenty-eight A, section thirty-two and the Second Schedule to the Main Roads Act, 1930-1976.

[Assented to 23rd November, 1977.]

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 Act Amendment Act, 1977*.

Short title
and
citation.

(2) In this Act the Main Roads Act, 1930-1976, is referred to as the principal Act.

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December,
1976.

(3) The principal Act as amended by this Act may be cited as the Main Roads Act, 1930-1977.

Section 28A
amended.

2. Section 28A of the principal Act is amended by deleting the subsection designation “(3)”, in line one of paragraph (b) of subsection (5) of that section, and substituting the designation “(5)”.

Section 32
amended.

3. Section 32 of the principal Act is amended by deleting subsection (2) to subsection (9), inclusive, of that section and substituting new subsections as follows—

(2) For the purposes of subsections (3) to (11) inclusive of this section—

- (a) “relevant year” means each of the financial years ending on the thirtieth day of June, 1978, the thirtieth day of June, 1979, and the thirtieth day of June, 1980;
- (b) “Second Schedule” means the Second Schedule to this Act;
- (c) a reference to Group A, Group B, Group C, Group D or Group E is a reference to the appropriate Group in the Second Schedule;
- (d) the expressions “construction”, “maintenance”, “rural road”, “urban arterial road” and “urban local road” have the same respective meanings as they have in and for the purposes of the States Grants (Roads) Act, 1977 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 expenditure under the States Grants (Roads) Act, 1977 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 Groups C, D and E.

(b) An amount of \$9 093 332 shall be made available each relevant year from the Main Roads Trust Account and, subject to paragraph (c) of this subsection and subsections (4), (7) and (8) and paragraph (a) of subsection (9) 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 may be 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, 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.

(e) An amount of \$590 702, or such other amount as the Minister on the recommendation of the Commissioner may determine, shall be made available each relevant year from the Main Roads Trust Account and shall be paid in that year into a Fund to be maintained by the Commissioner and known as the Rural Councils' Supplementary Road Grant Fund.

(f) Each local authority for which a Supplementary Grant Provision is shown in the Second Schedule may submit to the Commissioner each relevant year a statement of road needs and projects for the construction of rural roads which shall be included in a financial programme not exceeding in total the amount of the Supplementary Grant Provision shown for that local authority in the Second Schedule, and the Minister may, on the recommendation of the Commissioner, approve any such programme or any part of such programme in which event moneys may be paid out of the Rural Councils' Supplementary Road Grant Fund to the local authority to meet expenditure incurred for any project so approved.

(g) Where moneys within the Rural Councils' Supplementary Road Grant Fund have not been approved for expenditure in accordance with paragraph (f) of this subsection by the end of a relevant year, the Minister, on the recommendation of the Commissioner, may approve the allocation of those moneys for expenditure by local authorities on construction of rural roads.

(4) (a) For the purpose of this subsection, the base grant for any local authority in Group C or D for a relevant year shall be the lesser of the following amounts, namely—

(i) its base grant as shown in the Second Schedule; or

(ii) one half of the sum of the base, additional and any supplementary grant received by that local authority pursuant to subsection (3) of this section in a relevant year.

(b) Notwithstanding the provisions of paragraph (b) of subsection (3) of this section, the amount which any local authority specified in

Group C or D may receive as a base grant for a relevant year shall be the lesser of the following amounts, namely—

- (i) its base grant as provided in paragraph (a) of this subsection; or
- (ii) the amount determined 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 \$1.50 expenditure on road works from its own resources;

Group D—\$1 grant for each \$0.75 expenditure on road works from its own resources.

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

(b) An amount of \$2 345 105 shall be made available each relevant year from the Main Roads Trust Account and, subject to paragraph (c) of this subsection and subsections (6), (7) and (8) and paragraph (a) of subsection (9) 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 may be 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 construction of urban local 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 base 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 an amount not exceeding one half of the base grant upon the construction or maintenance of urban roads.

(e) An amount of \$4 690 211 shall be made available each relevant year from the Main Roads Trust Account, and of that amount \$3 342 725 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 \$1 347 486 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 \$4 690 211 between those two Funds.

(f) Each local authority specified in Group 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.

(g) Each local authority specified in Group 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 projects so approved.

(6) Notwithstanding the provisions of paragraph (b) of subsection (5) of this section, the amount which any local authority specified in Group A or B may receive as a base grant for a relevant year shall be the lesser of the following amounts, namely—

- (a) its base grant as shown in the Second Schedule; or
- (b) the amount determined 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 \$4 expenditure on road works from its own resources;

Group B—\$1 grant for each \$3 expenditure on road works from its own resources.

(7) Where the sum of the amounts expended by a local authority on road works from its own resources over the total period of the three relevant years exceeds the sum of the amounts required for that local authority to receive its full entitlement of the base grant—

- (a) as determined in paragraph (a) of subsection (4) for a local authority in Group C or D; or
- (b) as specified in the Second Schedule for a local authority in Group A or B,

for those years, that local authority shall receive its full entitlement of the base grants, notwithstanding that in respect of the first or second of such years a deficit is carried forward and notwithstanding the provisions of subsection (4) or subsection (6) of this section.

(8) Where in a relevant 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 the provisions of subsection (4) or subsection (6) of this section.

(9) (a) Such moneys paid to local authorities under subsections (3) and (5) of this section as are derived from payments made under the States Grants (Roads) Act, 1977 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 (5) 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 States Grants (Roads) Act, 1977 of the Parliament of the Commonwealth, 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 paragraphs (c) and (f) of subsection (3), of paragraphs (c), (f) and (g) of subsection (5) and paragraph (a) of subsection (9) of this section.

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

(13) 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.

(14) 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.

4. The principal Act is amended by deleting the Second Schedule and substituting a new schedule as follows—

SECOND SCHEDULE

	Base Grant	Additional Grant	Supple- mentary Grant Provision
	\$	\$	\$
Group A:			
City of—			
Perth	242 437	....	....
Fremantle	64 879	....	....
Gosnells	118 443	....	....
Melville	143 600	....	....
Nedlands	54 332	....	....
South Perth	79 364	....	....
Stirling	417 913	....	....
Subiaco	40 695	....	....
Town of—			
Bassendean	30 714	....	....
Canning	124 663	....	....
Claremont	21 808	....	....
Cockburn	86 900	....	....
Cottesloe	19 470	....	....
East Fremantle	16 672	....	....
Mosman Park	16 710	....	....
Shire of—			
Bayswater	100 710	....	....
Belmont	87 869	....	....
Peppermint Grove	4 183	....	....
Group B:			
Town of—			
Kwinana	47 398	....	....
Shire of—			
Armadale-Kelmscott	86 320	....	....
Kalamunda	89 413	....	....
Mundaring	61 691	....	....
Rockingham	66 504	....	....
Serpentine-Jarrahdale	37 146	....	....
Swan	99 638	....	....
Wanneroo	185 633	....	....
Group C:			
Town of—			
Albany	158 167	105 405	52 761
Bunbury	195 123	195 122	....
Geraldton	171 347	171 347	....
Kalgoorlie	86 730	86 730	....
Narrogin	51 003	51 003	....
Northam	68 772	68 771	....

SECOND SCHEDULE—*continued*

Shire of—	Base	Additional	Supple-
	Grant	Grant	mentary
	\$	\$	Grant
			Provision
	\$	\$	\$
Albany	73 278	73 277	....
Augusta-Margaret River	55 574	55 574	....
Beverley	32 687	27 634	5 053
Boddington	12 256	12 256	....
Boyup Brook	44 476	44 476	....
Bridgetown- Greenbushes	47 350	42 315	5 034
Brookton	25 728	22 218	3 510
Broomehill	16 573	16 573	....
Bruce Rock	46 822	39 738	7 083
Busselton	89 894	89 894	....
Capel	37 367	20 672	16 695
Carnamah	23 932	23 931	....
Chapman Valley	23 707	23 707	....
Chittering	18 139	17 085	1 054
Collie	74 581	48 586	25 995
Coorow	22 650	22 649	....
Corrigin	45 069	37 327	7 742
Cranbrook	29 831	29 830	....
Cuballing	17 153	17 152	....
Cunderdin	45 452	23 301	22 151
Dalwallinu	63 462	48 094	15 367
Dandaragan	44 344	44 343	....
Dardanup	32 728	29 562	3 165
Denmark	25 468	25 468	....
Donnybrook- Balingup	47 158	33 602	13 555
Dowerin	29 433	29 432	....
Dumbleyung	31 435	26 127	5 307
Esperance	131 954	130 481	1 473
Gingin	29 223	25 987	3 235
Gnowangerup	72 082	72 081	....
Goomalling	29 639	24 446	5 193
Greenough	36 407	36 406	....
Harvey	87 655	54 064	33 590
Irwin	17 415	17 414	....
Katanning	67 450	51 303	16 147
Kellerberrin	40 800	38 595	2 205
Kent	34 091	34 090	....
Kojonup	51 618	40 614	11 004
Kondinin	38 104	38 103	....
Koorda	31 406	31 405	....
Kulin	38 282	38 282	....
Lake Grace	57 831	57 831	....
Mandurah	62 841	62 840	....
Manjimup	102 727	102 727	....

SECOND SCHEDULE—*continued*

	Base Grant	Additional Grant	Supple- mentary Grant Provision
	\$	\$	\$
Shire of—			
Merredin	87 444	87 444	....
Mingenew	19 546	13 658	5 888
Moora	57 507	47 368	10 139
Morawa	39 344	20 041	19 303
Mt. Marshall	39 046	39 045	....
Mukinbudin	28 825	25 035	3 789
Mullewa	40 463	27 344	13 119
Murray	55 309	55 309	....
Nannup	16 759	16 758	....
Narembeen	41 109	41 108	....
Narrogin	24 754	22 751	2 003
Northam	43 892	43 385	507
Northampton	42 215	42 215	....
Nungarin	16 022	15 009	1 013
Perenjori	42 202	42 202	....
Pingelly	25 959	25 958	....
Plantagenet	68 435	60 188	8 247
Quairading	37 253	29 713	7 540
Ravensthorpe	30 810	30 810	....
Tambellup	21 171	13 289	7 882
Tammin	17 827	14 867	2 959
Three Springs	23 689	22 489	1 199
Toodyay	27 994	13 544	14 450
Trayning	23 163	20 250	2 913
Victoria Plains	32 635	32 634	....
Wagin	46 704	35 008	11 696
Wandering	11 704	8 379	3 324
Waroona	30 972	18 740	12 231
West Arthur	27 407	27 407	....
Westonia	20 817	19 205	1 612
Wickepin	27 621	25 872	1 748
Williams	22 024	20 006	2 017
Wongan-Ballidu	49 574	49 574	....
Woodanilling	13 576	12 577	999
Wyalkatchem	28 496	23 861	4 635
York	34 706	34 705	....

Group D:

Shire of—

Boulder	123 789	82 393	41 395
Carnarvon	83 476	83 476	....
Coolgardie	54 917	54 917	....
Exmouth	30 294	15 486	14 808
Port Hedland	131 895	39 541	92 353
Roebourne	83 276	83 275	....
Yilgarn	67 989	67 989	....

SECOND SCHEDULE—*continued*

	Base Grant	Additional Grant	Supple- mentary Grant Provision
	\$	\$	\$
Group E:			
Shire of—			
Broome	20 988	20 988	....
Cue	5 867	5 866	....
Dundas	29 512	19 850	9 661
East Pilbara	32 724	32 724	....
Hall's Creek	21 175	21 175	....
Laverton	9 687	9 686	....
Leonora	13 457	13 456	....
Meekatharra	23 020	19 316	3 704
Menzies	8 845	8 844	....
Mt. Magnet	8 013	7 097	915
Murchison	8 065	8 064	....
Sandstone	5 512	5 511	....
Shark Bay	7 727	7 726	....
Upper Gascoyne	8 623	8 623	....
West Kimberley	36 031	36 031	....
West Pilbara	29 972	29 972	....
Wiluna	12 332	12 332	....
Wyndham-East Kimberley	44 203	12 869	31 334
Yalgoo	6 465	6 465	....
