

ROADS ACTS AMENDMENT ACT 1976

No. 36 of 1976

An Act relating to Financial Assistance to the States in relation to Roads.

BE IT ENACTED by the Queen, and the Senate and House of Representatives of the Commonwealth of Australia, as follows:—

PART I—PRELIMINARY

1. This Act may be cited as the *Roads Acts Amendment Act 1976*.¹ Short title.
2. This Act shall come into operation on the day on which it receives the Royal Assent.¹ Commencement.

PART II—AMENDMENTS OF THE NATIONAL ROADS ACT 1974

3. (1) The *National Roads Act 1974*² is in this Part referred to as the Principal Act. Citation.

(2) The Principal Act, as amended by this Act, may be cited as the *National Roads Act 1974-1976*.

4. Section 7 of the Principal Act is amended—Grant of financial assistance to States.
 - (a) by adding at the end of sub-section (2) the words “plus, where the State is a State to which Schedule 4 relates and the year is the year that commenced on 1 July 1975, the amount specified opposite to the name of that State in Schedule 4”;
 - (b) by adding at the end of sub-section (3) the words “plus, where the State is a State to which Schedule 5 relates and the year is the year that commenced on 1 July 1975, the amount specified opposite to the name of that State in Schedule 5”;
 - (c) by adding at the end of sub-section (4) the words “plus, where the State is a State to which Schedule 6 relates and the year is the year that commenced on 1 July 1975, the amount specified opposite to the name of that State in Schedule 6”.
5. (1) Section 11 of the Principal Act is amended by omitting sub-section (1) and substituting the following sub-section:—Variation of amounts specified in Schedules.

“(1) Where a State satisfies the Minister that—

 - (a) the amount specified in Schedule 1, 2 or 3; or

- (b) the sum of the amounts specified in Schedules 1 and 4, Schedules 2 and 5 or Schedules 3 and 6,

in relation to the State in respect of a year is greater than the amount that the State has been, or will be, able to expend, in accordance with this Act, in that year for the purpose specified in sub-section 7 (2), (3) or (4), whichever is relevant, the Minister may direct that the amount referred to in paragraph (a) or either or both of the amounts constituting the sum referred to in paragraph (b) shall be deemed to be reduced by such amount or amounts, as the case may be, as is specified by the Minister.”.

(2) A direction given by the Minister under section 11 of the Principal Act before the commencement of this Act has effect, after the commencement of this Act, as if it had been given by the Minister under section 11 of the Principal Act as amended by this Act.

6. After section 11 of the Principal Act the following section is inserted:—

Variation
of amounts
specified in
Schedules
by reason
of relative
priorities.

“11A. (1) Where a State satisfies the Minister that, by reason of particular works in relation to roads having a lesser priority than other particular works in relation to roads—

- (a) an amount specified in a Schedule to this Act in relation to the State in respect of a year, being an amount available under this Act by way of financial assistance to the State in relation to expenditure by the State in respect of those first-mentioned works, should be reduced by an amount specified by the State (in this section referred to as ‘the amount of the variation’); and
- (b) an amount specified in a Schedule to this Act or a Schedule to the *Roads Grants Act 1974-1976* in relation to the State in respect of that year, being—
 - (i) an amount available under this Act by way of financial assistance to the State in relation to expenditure by the State in respect of those second-mentioned works; or
 - (ii) an amount required by the *Roads Grants Act 1974-1976* to be expended on works of a kind in which the second-mentioned works are included,

should be increased by an amount equal to the amount of the variation,

the Minister may direct that the amounts so specified shall be deemed to be respectively reduced and increased by the amount of the variation.

“(2) A direction shall not be given under sub-section (1) in relation to a State if it could result in the State becoming liable to repay an amount to Australia under this Act.

“(3) A direction having effect in relation to an amount specified in a Schedule to the *Roads Grants Act* 1974-1976 shall not be given under sub-section (1) unless the Treasurer has concurred in the direction.

“(4) Where a direction under sub-section (1) has effect in relation to an amount specified in a Schedule to the *Roads Grants Act* 1974-1976, that direction shall further direct that the amount specified in Schedule 1 to that Act in relation to the State to which the direction relates in respect of the year to which the direction relates shall be deemed to be increased by an amount equal to the amount of the variation.

“(5) Where a direction given under sub-section (1) relates only to amounts specified in Schedules to this Act, this Act has effect as if the amounts referred to in the direction had been respectively reduced and increased in accordance with the direction.

“(6) Where a direction given under sub-section (1) relates both to an amount specified in a Schedule to this Act and amounts specified in Schedules to the *Roads Grants Act* 1974-1976, this Act and that Act have effect as if the amounts referred to in the direction had been respectively reduced and increased in accordance with the direction.

“(7) A reference in sub-section (1) to a Schedule to the *Roads Grants Act* 1974-1976 shall be read as not including a reference to Schedule 1 or 8 to that Act.”.

7. Schedules 1, 2 and 3 to the Principal Act are amended by omitting the column headed “Total” (wherever occurring). Schedules 1, 2 and 3.

8. The Principal Act is amended by adding after Schedule 3 the following Schedules:— Schedules.

SCHEDULE 4

Section 7 (2)

ADDITIONAL AMOUNTS OF GRANTS IN RESPECT OF
THE CONSTRUCTION OF NATIONAL HIGHWAYS

State	Year commencing 1 July 1975
	\$
Queensland	2,500,000
South Australia	2,290,000
Western Australia	1,520,000
Tasmania	1,040,000
Total	7,350,000

SCHEDULE 5

Section 7 (3)

ADDITIONAL AMOUNTS OF GRANTS IN RESPECT OF
THE MAINTENANCE OF NATIONAL HIGHWAYS

State	Year commencing 1 July 1975
	\$
New South Wales	4,000,000
Queensland	2,000,000
South Australia	810,000
Western Australia	380,000
Tasmania	90,000
Total	7,280,000

SCHEDULE 6

Section 7 (4)

ADDITIONAL AMOUNTS OF GRANTS IN RESPECT OF
THE CONSTRUCTION AND MAINTENANCE OF EXPORT ROADS
AND MAJOR COMMERCIAL ROADS

State	Year commencing 1 July 1975
	\$
Western Australia	200,000
Tasmania	70,000
Total	270,000

PART III—AMENDMENTS OF THE ROADS GRANTS ACT
1974

Citation. **9.** (1) The *Roads Grants Act* 1974³ is in this Part referred to as the Principal Act.

(2) The Principal Act, as amended by this Act, may be cited as the *Roads Grants Act* 1974-1976.

Interpret-
ation.

10. Section 3 of the Principal Act is amended—

(a) by omitting from sub-section (1) the definition of “approved program” and substituting the following definitions:—

“ ‘allocation for local roads’ means—

(a) the expenditure of moneys by a State on road works; or

(b) payment of moneys by a State to a government authority in the State for expenditure by the authority on road works,

being road works of one of the following kinds:—

- (c) the construction and maintenance of rural local roads for which the State or the authority is responsible;
- (d) the construction of urban local roads for which the State or the authority is responsible;
- 'approved allocation' means an allocation for local roads that is included as a proposed allocation in an approved program;
- 'approved program' means—
 - (a) a program of projects approved by the Minister under section 4; or
 - (b) a program of proposed allocations for local roads approved by the Minister under section 4A;";
- (b) by inserting in sub-section (1), after the definition of "developmental road", the following definition:—
 - " 'government authority' means a municipal, shire or other local authority, and includes an authority of a State, being an incorporated body, that is responsible for the construction and maintenance of rural local roads in an area of the State;"; and
- (c) by omitting from sub-section (2) the words "municipal, shire or other local authority" (wherever occurring) and substituting the words "government authority".

11. Section 4 of the Principal Act is amended by omitting from sub-section (5) the words "The Minister of State for Northern Development, with the concurrence of the Minister and" and substituting the words "The Minister,". Approved programs.

12. After section 4 of the Principal Act, the following section is inserted:—

"4A. (1) The Minister may notify a State the date before which a program of proposed allocations for local roads in respect of a period to which this section applies, being proposed allocations in relation to a specified purpose, is to be submitted to him for approval. Programs of allocations.

"(2) For the purposes of this Act, the Minister, after consultation with the appropriate Minister of a State, may approve—

- (a) a program of proposed allocations for local roads in respect of the construction and maintenance of rural local roads in respect of the State for a period to which this section applies; and
- (b) a program of proposed allocations for local roads in respect of the construction of urban local roads in respect of the State for a period to which this section applies.

"(3) The Minister may approve a variation of a program of proposed allocations for local roads approved by him.

“(4) A reference in this section to a period to which this section applies is a reference to—

- (a) the year that commenced on 1 July 1975 and ends on 30 June 1976; or
- (b) the year commencing on 1 July 1976 and ending on 30 June 1977.”.

Amount of
grants.

13. Section 5 of the Principal Act is amended by omitting sub-section (2) and substituting the following sub-section:—

“(2) Moneys are payable to a State under sub-section (1) for the purpose of enabling the carrying out of—

- (a) approved projects; or
- (b) road works to which an approved allocation relates.”.

Grants for
which
financial
assistance
may be
granted.

14. Section 6 of the Principal Act is amended—

- (a) by inserting in sub-section (2), after the word and figure “Schedule 2”, the words “plus, where the State is a State to which Schedule 9 relates and the year is the year that commenced on 1 July 1975, the amount that is applicable to the State in respect of that year in accordance with Schedule 9”;

- (b) by omitting sub-section (3) and substituting the following sub-section:—

“(3) A State shall, out of moneys paid to it under section 5 in respect of a year, expend during that year on the construction and maintenance of rural local roads, in accordance with an approved program for that year, an amount equal to the amount that is applicable to the State in respect of that year in accordance with Schedule 3 plus, where the State is a State to which Schedule 10 relates and the year is the year that commenced on 1 July 1975, the amount that is applicable to the State in respect of that year in accordance with Schedule 10.”;

- (c) by adding at the end of sub-section (4) the words “plus, in the case of New South Wales in respect of the year that commenced on 1 July 1975, the amount that is applicable to the State in respect of that year in accordance with Schedule 11”;

- (d) by adding at the end of sub-section (5) the words “plus, where the State is a State to which Schedule 12 relates and the year is the year that commenced on 1 July 1975, the amount that is applicable to the State in respect of that year in accordance with Schedule 12”;

- (e) by omitting sub-section (6) and substituting the following sub-section:—

“(6) A State shall, out of moneys paid to it under section 5 in respect of a year, expend during that year on the construction of urban local roads, in accordance with an approved program for that year, an amount equal to the amount that is applicable to

the State in respect of that year in accordance with Schedule 6 plus, where the State is a State to which Schedule 13 relates and the year is the year that commenced on 1 July 1975, the amount that is applicable to the State in respect of that year in accordance with Schedule 13.”;

- (f) by adding at the end of sub-section (8) the words “plus, where the State is a State to which Schedule 9 relates and the year is the year that commenced on 1 July 1975, 10 per centum of the amount that is applicable to the State in respect of that year in accordance with Schedule 9”;
- (g) by inserting in sub-section (10), after the word “project”, the words “, or in pursuance of an approved allocation,”;
- (h) by inserting in sub-section (11), after the word “project” (first occurring), the words “, or in pursuance of an approved allocation,”;
- (i) by inserting in paragraph (a) of sub-section (11), after the word “project” (first occurring), the words “or in pursuance of any other approved allocation”; and
- (j) by inserting in paragraph (b) of sub-section (11), after the word “project”, the words “, or in pursuance of that allocation,”.

15. (1) Section 8 of the Principal Act is amended by omitting sub-section (1) and substituting the following sub-section:—

Variation of
amounts
specified in
Schedules.

“(1) Where a State satisfies the Minister that—

- (a) the amount specified in Schedule 2, 3, 4, 5, 6 or 7; or
- (b) the sum of the amounts specified in Schedules 2 and 9, Schedules 3 and 10, Schedules 4 and 11, Schedules 5 and 12 or Schedules 6 and 13,

in relation to the State in respect of a year is greater than the amount that the State has been, or will be, able to expend, in accordance with this Act, in that year for the purpose or purposes specified in sub-sections 6 (2) and (8) or under sub-section 6 (3), (4), (5), (6) or (7), whichever is relevant, the Minister may direct that the amount referred to in paragraph (a) or either or both of the amounts constituting the sum referred to in paragraph (b) shall be deemed to be reduced by such amount or amounts, as the case may be, as is specified by the Minister.”.

(2) A direction given by the Minister under section 8 of the Principal Act before the commencement of this Act has effect after the commencement of this Act as if it had been given by the Minister under section 8 of the Principal Act as amended by this Act.

16. After section 8 of the Principal Act the following section is inserted:—

Variation of
amounts
specified in
Schedules by
reason of
relative
priorities.

“8A. (1) Where a State satisfies the Minister that, by reason of particular works in relation to roads having a lesser priority than other particular works in relation to roads—

- (a) an amount specified in a Schedule to this Act in relation to the State in respect of a year, being an amount required by this Act to be expended on works of a kind in which the first-mentioned works are included, should be reduced by an amount specified by the State (in this section referred to as ‘the amount of the variation’); and
- (b) an amount specified in a Schedule to this Act or a Schedule to the *National Roads Act* 1974-1976 in relation to the State in respect of that year, being—
 - (i) an amount required by this Act to be expended on works of a kind in which those second-mentioned works are included; or
 - (ii) an amount available under the *National Roads Act* 1974-1976 by way of financial assistance to the State in relation to expenditure by the State in respect of those second-mentioned works,

should be increased by an amount equal to the amount of the variation,

the Minister may direct that the amounts so specified shall be deemed to be respectively reduced and increased by the amount of the variation.

“(2) A direction shall not be given under sub-section (1) in relation to a State if it could result in the State becoming liable to repay an amount to Australia under this Act.

“(3) A direction having effect in relation to an amount specified in a Schedule to the *National Roads Act* 1974-1976 shall not be given under sub-section (1) unless the Treasurer has concurred in the direction.

“(4) Where a direction under sub-section (1) has effect both in relation to an amount specified in a Schedule to this Act and to an amount specified in a Schedule to the *National Roads Act* 1974-1976, that direction shall further direct that the amount specified in Schedule 1 to this Act in relation to the State to which the direction relates in respect of the year to which the direction relates shall be deemed to be reduced by an amount equal to the amount of the variation.

“(5) Where a direction given under sub-section (1) relates only to amounts specified in Schedules to this Act, this Act has effect as if the

amounts referred to in the direction had been respectively reduced and increased in accordance with the direction.

“(6) Where a direction given under sub-section (1) relates both to amounts specified in Schedules to this Act and an amount specified in a Schedule to the *National Roads Act* 1974-1976, this Act and that Act have effect as if the amounts referred to in the direction had been respectively reduced and increased in accordance with the direction.

“(7) A reference in sub-section (1) to a Schedule to this Act shall be read as not including a reference to Schedule 1 or 8.”.

17. Section 9 of the Principal Act is amended by omitting from sub-section (7) the words “a project” and substituting the words “an approved project, or in pursuance of an approved allocation,”.

Expenditure
by a State
from its own
resources.

18. Schedule 1 to the Principal Act is amended by omitting the column headed “Year commencing 1 July 1975” and substituting the following column:—

Schedule 1.

Year commencing 1 July 1975
\$
83,100,000
64,800,000
57,400,000
17,800,000
44,200,000
11,700,000
279,000,000

19. Schedules 1, 2, 3, 4, 5, 6 and 7 to the Principal Act are amended by omitting the column headed “Total” (wherever occurring).

Schedules 1,
2, 3, 4, 5, 6
and 7.

20. Schedule 8 to the Principal Act is amended by omitting the column headed “Year commencing 1 July 1975” and substituting the following column:—

Schedule 8.

Year commencing 1 July 1975
\$
146,800,000
110,400,000
50,100,000
33,500,000
33,500,000
11,200,000

New
Schedules.

21. The Principal Act is amended by adding after Schedule 8 the following Schedules:—

SCHEDULE 9

Section 6 (2) and (8)

ADDITIONAL AMOUNTS OF GRANTS TO BE EXPENDED ON THE CONSTRUCTION OF RURAL ARTERIAL ROADS AND DEVELOPMENTAL ROADS

State	Year commencing 1 July 1975
	\$
New South Wales	5,730,000
Victoria	2,660,000
Queensland	2,800,000
South Australia	270,000
Western Australia	1,380,000
Tasmania	400,000
Total	13,240,000

SCHEDULE 10

Section 6 (3)

ADDITIONAL AMOUNTS OF GRANTS TO BE EXPENDED ON THE CONSTRUCTION AND MAINTENANCE OF RURAL LOCAL ROADS

State	Year commencing 1 July 1975
	\$
New South Wales	2,480,000
Victoria	6,650,000
Queensland	3,140,000
South Australia	800,000
Western Australia	1,760,000
Tasmania	730,000
Total	15,560,000

SCHEDULE 11

Section 6 (4)

ADDITIONAL AMOUNT OF GRANT TO BE EXPENDED ON MINOR TRAFFIC ENGINEERING AND ROAD SAFETY IMPROVEMENTS

State	Year commencing 1 July 1975
	\$
New South Wales	450,000
Total	450,000

SCHEDULE 12

Section 6 (5)

**ADDITIONAL AMOUNTS OF GRANTS TO BE EXPENDED ON THE
CONSTRUCTION OF URBAN ARTERIAL ROADS**

State	Year commencing 1 July 1975
	\$
New South Wales	6,660,000
Victoria	3,990,000
Queensland	2,460,000
South Australia	1,490,000
Western Australia	3,320,000
Tasmania	620,000
Total	18,540,000

SCHEDULE 13

Section 6 (6)

**ADDITIONAL AMOUNTS OF GRANTS TO BE EXPENDED ON THE
CONSTRUCTION OF URBAN LOCAL ROADS**

State	Year commencing 1 July 1975
	\$
New South Wales	580,000
Queensland	300,000
South Australia	140,000
Western Australia	240,000
Tasmania	50,000
Total	1,310,000

22. (1) Where, before the commencement of this Act, the Minister Validation.
gave a notification to a State with respect to a program of proposed allocations for local roads or approved a program of proposed allocations for local roads, whether or not the Minister purported to give the notification or approval under a provision of the Principal Act, that notification or approval shall be deemed to be as valid and effectual as if this Act had been in force at the time of the notification or approval and the notification or approval had been given under section 4A of the Principal Act, as amended by this Act.

(2) In this section, "Minister" means the Minister administering the Principal Act at the relevant time, and includes a delegate of that Minister.

NOTES

1. Act No. 36, 1976; assented to 26 May 1976.
2. Act No. 52, 1974, as affected by No. 10, 1975.
3. Act No. 53, 1974, as affected by Act No. 10, 1975.