

ROADS ACTS AMENDMENT ACT 1977

No. 41 of 1977

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 1977*.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. The *National Roads Act 1974*² is in this Part referred to as the Principal Act. Principal Act.
4. Section 7 of the Principal Act is amended—
(a) by omitting sub-section (2) and substituting the following sub-section:—
“(2) The sum of the amounts paid under this section to a State in respect of expenditure during a year to which this Act applies in relation to the construction of national highways, shall not exceed the amount, or the sum of the amounts, specified opposite to the name of that State, in relation to that year, in Schedules 1, 4 and 8.”; and Grants of financial assistance to States.
(b) by omitting sub-section (4) and substituting the following sub-section:—
“(4) The sum of the amounts paid under this section to a State in respect of expenditure during a year to which this Act applies, in relation to the construction and maintenance of export roads and major commercial roads, shall not exceed the amount, or the sum of the amounts, specified opposite to the name of that State, in relation to that year, in Schedules 3, 6 and 9.”.
5. Section 11 of the Principal Act is amended by omitting paragraph (b) of sub-section (1) and substituting the following paragraph:—
“(b) the sum of the amounts specified in Schedules 1 and 4, Schedules 1 and 8, Schedules 2 and 5, Schedules 2 and 7, Schedules 3 and 6 or Schedules 3 and 9,”. Variations of amounts specified in Schedules.

New Schedules.

6. The Principal Act is amended by adding after Schedule 7 the following Schedules:—

SCHEDULE 8

Section 7(2)

ADDITIONAL AMOUNT OF GRANT IN RESPECT OF CONSTRUCTION OF NATIONAL HIGHWAYS

State	Year commencing 1 July 1976
	\$
Western Australia	1,200,000

SCHEDULE 9

Section 7(4)

ADDITIONAL AMOUNT OF GRANT IN RESPECT OF CONSTRUCTION AND MAINTENANCE OF EXPORT ROADS AND MAJOR COMMERCIAL ROADS

State	Year commencing 1 July 1976
	\$
Western Australia	190,000

PART III—AMENDMENTS OF THE ROADS GRANTS ACT 1974

Principal Act.

7. The *Roads Grants Act* 1974³ is in this Part referred to as the Principal Act.

Grants for which financial assistance may be granted.

8. Section 6 of the Principal Act is amended—

- (a) by omitting from sub-section (2) the words “Schedules 2, 9 and 14” and substituting the words “Schedules 2, 9, 14 and 17”;
- (b) by omitting from sub-section (3) the words “Schedules 3, 10 and 15” and substituting the words “Schedules 3, 10, 15 and 18”;
- (c) 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, or to the sum of the amounts that are applicable, to the State in respect of that year in accordance with Schedules 6, 13 and 19.”; and

- (d) by omitting from sub-section (8) the words “Schedules 2, 9 and 14” and substituting the words “Schedules 2, 9, 14 and 17”.

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

Variations of amounts specified in Schedules.

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

- (a) the amounts specified in Schedule 2, 3, 4, 5, 6 or 7;
- (b) the sum of the amounts specified in Schedules 2 and 9, Schedules 3 and 10, Schedules 4 and 11, Schedules 5 and 12, Schedules 5 and 16, Schedules 6 and 13 or Schedules 6 and 19;
- or
- (c) the sum of the amounts specified in Schedules 2, 14 and 17 or Schedules 3, 15 and 18,

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 any one or more of the amounts constituting the sum referred to in paragraph (b) or (c), as the case may be, shall be deemed to be reduced by such amount or amounts 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.

10. Schedule 1 to the Principal Act is amended by omitting the column headed “Year commencing 1 July 1976” and substituting the following column:—

Schedule 1.

Year commencing 1 July 1976
\$
78,100,000
60,300,000
55,100,000
18,800,000
43,610,000
10,400,000
266,310,000

New Schedules.

11. The Principal Act is amended by adding after Schedule 16 the following Schedules:—

SCHEDULE 17

Sections 6 (2) and (8)

ADDITIONAL AMOUNT OF GRANT TO BE EXPENDED ON THE CONSTRUCTION OF RURAL ARTERIAL ROADS AND DEVELOPMENT ROADS

State	Year commencing 1 July 1976
Western Australia	\$ 410,000

SCHEDULE 18

Section 6 (3)

ADDITIONAL AMOUNT OF GRANT TO BE EXPENDED ON THE CONSTRUCTION AND MAINTENANCE OF RURAL LOCAL ROADS

State	Year commencing 1 July 1976
Western Australia	\$ 1,228,600

SCHEDULE 19

Section 6 (6)

ADDITIONAL AMOUNT OF GRANT TO BE EXPENDED ON THE CONSTRUCTION OF URBAN LOCAL ROADS

State	Year commencing 1 July 1976
Western Australia	\$ 171,400

PART IV—EXPENDITURE ON PAY-ROLL TAX

Expenditure on pay-roll tax.

12. (1) This section applies to the following Acts:—

- Commonwealth Aid Roads Act 1969;*
- Transport (Planning and Research) Act 1974;*
- National Roads Act 1974;*
- Roads Grants Act 1974.*

(2) For the purposes of an Act to which this section applies, where an amount is expended by a State or an authority of a State by way of the payment of wages and an amount of tax is paid by the State or the authority (whether by way of a payment of moneys, the crediting of an

account or otherwise) on those wages, being a tax imposed by a law of the State upon employers on wages paid by them, that amount of tax shall be deemed to be an additional amount of those wages.

(3) Sub-section (2) shall be deemed to have applied in relation to the *Commonwealth Aid Roads Act* 1969 on and after 1 September 1971.

(4) Subject to sub-section (3), sub-section (2) shall be deemed to have applied in relation to an Act to which this section applies on and after the date of commencement of that Act.

(5) In this section, “wages” includes payments in the nature of wages.

NOTES

1. Act No. 41, 1977; assented to 7 June 1977.
2. Act No. 52, 1974, as amended or otherwise affected. For previous amendments see Acts Nos. 36, 91 and 173, 1976. The Act is also affected by Act No. 10, 1975.
3. Act No. 53, 1974, as amended or otherwise affected. For previous amendments see Acts Nos. 36, 91 and 173, 1976. The Act is also affected by Act No. 10, 1975.