

## MAIN ROADS (AMENDMENT) ACT.

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**Act No. 56, 1960.**

**Elizabeth II, An** Act to make provision for the application of certain moneys paid to the State of New South Wales under the Commonwealth Aid Roads Act 1959 of the Parliament of the Commonwealth and for the granting of assistance to councils for the construction and maintenance of roads proclaimed as tourist roads; for these and other purposes to amend the Main Roads Act, 1924, as amended by subsequent Acts; to validate certain matters; and for purposes connected therewith. [Assented to, 1st December, 1960.]

**B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

Short title  
and  
citation.

**1.** (1) This Act may be cited as the "Main Roads (Amendment) Act, 1960".

(2) The Main Roads Act, 1924, as amended by subsequent Acts and by this Act, may be cited as the Main Roads Act, 1924-1960.

Consequen-  
tial.

(3) The Sydney Harbour Bridge (Further Works) and Main Roads (Amendment) Act, 1960, is amended by omitting subsection four of section one.

**2.**

2. (1) The Main Roads Act, 1924, as amended by No. 56, 1960. subsequent Acts, is amended—

Amendment  
of Act No.  
24, 1924.

- (a) by omitting paragraph (e) of subsection one of section ten and by inserting in lieu thereof the following paragraph : —

Sec. 10.  
(County of  
Cumberland  
Main Roads  
Fund.)

- (e) twenty per centum of the moneys, exclusive of the amount required to be expended under subsection two of section seven of the Commonwealth Aid Roads Act 1959 of the Parliament of the Commonwealth, paid under sections four and six of the said Act to the State by the Commonwealth of Australia in respect of any year commencing on the first day of July;

- (b) by omitting subsection (1B) of section twelve and by inserting in lieu thereof the following subsection : —

Sec. 12.  
(Use of  
fund.)

(1B) That part of the County of Cumberland Main Roads Fund which consists of moneys paid into that fund in respect of any year pursuant to paragraph (e) of subsection one of section ten of this Act shall be expended—

- (a) on the construction, reconstruction, maintenance and repair of roads or on the purchase of road-making plant;
- (b) in making payments to municipal or other local authorities for the construction, reconstruction, maintenance and repair of roads or for the purchase of road-making plant; or
- (c) in making payments for or in connection with research relating to the construction, maintenance or repair of roads :

Provided that out of the moneys so paid into that fund in respect of that year there may be expended on works connected with transport by road or water other than those referred to in paragraph (a), (b) or (c) of this subsection or of subsection (1B) of section

section

**No. 56, 1960.**

section twenty-one of this Act, or in subsection (2A) of section twenty-nine of this Act, an amount which, together with any amount expended under the proviso to the said subsection (1B) out of the moneys paid into the Country Main Roads Fund in respect of that year pursuant to paragraph (d) of subsection one of section twenty of this Act, does not exceed such part of one million pounds as bears to one million pounds the same proportion as the amounts payable under sections four and six of the Commonwealth Aid Roads Act 1959 of the Parliament of the Commonwealth to the State of New South Wales in respect of the year firstmentioned in this proviso bear to the total amount payable under the said sections four and six to all the States in respect of the year firstmentioned as aforesaid.

**Sec. 20.  
(Country  
Main Roads  
Fund.)**

(c) by omitting paragraph (d) of subsection one of section twenty and by inserting in lieu thereof the following paragraph :—

(d) eighty per centum of the moneys, exclusive of the amount required to be expended under subsection two of section seven of the Commonwealth Aid Roads Act 1959 of the Parliament of the Commonwealth, paid under sections four and six of the said Act to the State by the Commonwealth of Australia in respect of any year commencing on the first day of July;

**Sec. 21.  
(Expenditure.)**

(d) by omitting subsection (1B) of section twenty-one and by inserting in lieu thereof the following subsection :—

(1B) That part of the Country Main Roads Fund which consists of moneys paid into that fund in respect of any year pursuant to paragraph (d) of subsection one of section twenty of this Act shall be expended—

(a) on the construction, reconstruction, maintenance and repair of roads or on the purchase of road-making plant;

(b)

- (b) in making payments to municipal or other local authorities for the construction, reconstruction, maintenance and repair of roads or for the purchase of road-making plant; or
- (c) in making payments for or in connection with research relating to the construction, maintenance or repair of roads :

Provided that out of the moneys so paid into that fund in respect of that year there may be expended on works connected with transport by road or water other than those referred to in paragraph (a), (b) or (c) of this subsection or of subsection (1B) of section twelve of this Act, or in subsection (2A) of section twenty-nine of this Act, an amount which, together with any amount expended under the proviso to the said subsection (1B) out of the moneys paid into the County of Cumberland Main Roads Fund in respect of that year pursuant to paragraph (e) of subsection one of section ten of this Act, does not exceed such part of one million pounds as bears to one million pounds the same proportion as the amounts payable under sections four and six of the Commonwealth Aid Roads Act 1959 of the Parliament of the Commonwealth to the State of New South Wales in respect of the year first-mentioned in this proviso bear to the total amount payable under the said sections four and six to all the States in respect of the year firstmentioned as aforesaid.

- (e) (i) by omitting paragraph (b) of subsection one of section twenty-nine and by inserting in lieu thereof the following paragraph : —
- (b) those moneys paid to the Commissioner out of the amount required to be expended under subsection two of section seven of the Commonwealth Aid Roads Act 1959 of the Parliament of the Commonwealth from the moneys paid under that Act to the State by the Commonwealth of Australia in respect of any year commencing on the first day of July;
- (ii)

Sec. 29.  
(Develop-  
mental  
Roads  
Fund.)

**No. 56, 1960.**  
—

- (ii) by omitting subsection (2A) of the same section and by inserting in lieu thereof the following subsection :—

(2A) That part of the Developmental Roads Fund which consists of moneys paid into that fund in respect of any year pursuant to paragraph (b) of subsection one of this section shall be expended—

- (a) on the construction, reconstruction, maintenance and repair of developmental roads in rural areas or on the purchase of road-making plant for use in connection with such developmental roads; or
- (b) in making payments to municipal and other local authorities for the construction, reconstruction, maintenance and repair of developmental roads in rural areas or for the purchase of road-making plant for use in connection with such developmental roads.

(2) This section shall be deemed to have commenced upon the first day of July, one thousand nine hundred and fifty-nine.

Further  
amend-  
ment of  
Act No. 24,  
1924.

Sec. 2.  
(Division  
into Parts.)

**3. The Main Roads Act, 1924, as amended by subsequent Acts, is further amended :—**

- (a) by inserting in section two next after the matter relating to Part VI the following new matter :—

**PART VIB.—TOURIST ROADS—ss. 31A, 31B.**

Sec. 3.  
(Interpre-  
tation.)

- (b) (i) by omitting from the definition of “Maintenance” in subsection one of section three the words “or developmental” wherever occurring and by inserting in lieu thereof the words “, developmental, or tourist”;

(ii)

- (ii) by inserting in the same subsection next after the definition of "State highway" the following new definition :—

"Tourist road" means road proclaimed as a tourist road under section 31A of this Act, and any part of any such road.

- (iii) by omitting from the definition of "Permanent improvement" in the same subsection the words "or developmental" wherever occurring and by inserting in lieu thereof the words ", developmental, or tourist";

- (iv) by omitting subsection two of the same section and by inserting in lieu thereof the following subsection :—

(2) Where—

(a) any road which passes through a public reserve and connects with a main road has, although the same is not a public road, been proclaimed to be a main road; or

(b) any road which is not a public road but is within a public reserve has been proclaimed as a tourist road,

then in the application of any provision of this Act to or in respect of any such road, unless the context or subject matter otherwise indicates or requires—

(i) a reference to the council shall be construed as a reference to the trustees of such public reserve; and

(ii) a reference to the area of the council shall be construed as a reference to such public reserve.

- (c) by inserting next before Part VII the following new Part :—

#### PART VIb.

#### TOURIST ROADS.

31A. (1) The Governor may, on the recommendation of the Commissioner, proclaim as a tourist road any public road, or any road that is not, or any proposed

New  
Part VIb.

Proclama-  
tion of  
tourist  
roads.

**No. 56, 1960.**

proposed road that will not be, a public road but is or will be within a public reserve, if, in the opinion of the Commissioner, such public road, road or proposed road will assist in making accessible areas or districts used or likely to be used by tourists.

(2) The Governor may, on the recommendation of the Commissioner, by proclamation amend or rescind any such proclamation.

Assistance  
towards  
construc-  
tion or  
maintenance  
of tourist  
roads.

31B. (1) (a) Where the Commissioner has decided that any work of construction or maintenance is necessary on a tourist road he may, except where authorised by the Governor to carry out the work, grant assistance to the council in whose area the tourist road is situated towards the carrying out of such work and may make an agreement with the council providing for the amounts to be paid by the Commissioner and the council respectively in respect of the carrying out of the work and for the work to be carried out by the council.

(b) The amount provided by the Commissioner in respect of the carrying out of the work shall not exceed one-half of the cost of the work or where in the special circumstances of the case the Commissioner agrees to pay more than one-half of the cost of the work, the amount agreed upon.

(c) Where any tourist road is not a public road but is within a public reserve the Commissioner may grant assistance to and make an agreement as aforesaid with the council within whose area the public reserve is situated or to or with any other council.

(2) Where an agreement is made under subsection one of this section the Commissioner shall pay the amount agreed to be paid by him from—

(a) the County of Cumberland Main Roads Fund, where the tourist road is situated within any area to which Part IV of this Act applies; and

(b)

- (b) the Country Main Roads Fund, where the tourist road is situated within any area to which Part V of this Act applies, No. 56, 1960.

to the council in whose area the tourist road is situated in trust to be expended on the said work in accordance with the agreement and the council shall account to the Commissioner therefor.

(3) The Governor may in any special case direct the work to be carried out by the Commissioner.

(4) All work entrusted to a council shall be carried out to the satisfaction of the Commissioner.

- (d) by omitting from subsection one of section thirty-two the words "and developmental" and by inserting in lieu thereof the words "developmental, and tourist"; Sec. 32.  
(When board may do work itself.)
- (e) by omitting from subsection one of section thirty-three the words "and developmental" and by inserting in lieu thereof the words ", developmental, and tourist"; Sec. 33.  
(What works may be carried out.)
- (f) by omitting from subsection one of section thirty-four the words "or developmental" and by inserting in lieu thereof the words ", developmental, or tourist"; Sec. 34.  
(Standard plans and specifications.)
- (g) by omitting from subsection one of section thirty-six the words "or developmental" wherever occurring and by inserting in lieu thereof the words ", developmental, or tourist"; Sec. 36.  
(Board given powers of council.)
- (h) (i) by omitting from section 48A, as inserted by the Main Roads and Local Government (Amendment) Act, 1957, the word "section" and by inserting in lieu thereof the word "subsection"; Sec. 48A.  
(Annual payment to University of New South Wales.)
- (ii) by inserting at the end of the same section the following new subsection : —

(2) There shall during the period of four years commencing on the first day of July, one thousand nine hundred and sixty, be paid by the Commissioner



**No. 56, 1960.**

Commissioner to the University of New South Wales an amount not exceeding two hundred thousand pounds for the acquisition or construction of buildings, or the acquisition of equipment, furnishings and fittings, necessary in connection with the carrying out of highway and traffic research.

Any payments under this subsection shall be made in equal proportions from the County of Cumberland Main Roads Fund and the Country Main Roads Fund and shall be made at such times and by such instalments as the Commissioner may determine.

**Amend-  
ment of  
Act No. 37,  
1960.**

**Sec. 10.  
(Amend-  
ment of  
Act No. 24,  
1924.)**

**4.** (1) The Sydney Harbour Bridge (Further Works) and Main Roads (Amendment) Act, 1960, is further amended—

- (a) by omitting from paragraph (b) of section ten the word “forty-eight” and by inserting in lieu thereof the figures and letter “48A”;
- (b) by omitting from the same paragraph the figures and letter “48A” and by inserting in lieu thereof the figures and letter “48B”.

(2) This section shall be deemed to have commenced on the twenty-eighth day of April, one thousand nine hundred and sixty.

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POLICE