

## **MAIN ROADS (AMENDMENT) ACT.**

---

### **Act No. 19, 1965.**

An Act to authorise the proclamation of certain works Elizabeth II,  
No. 19, 1965 designed to facilitate the movement of motor traffic between Sydney and Newcastle as toll works and the imposition of tolls and charges on toll works; to make further provision with respect to moneys paid to the State under the Commonwealth Aid Roads Act 1964, and the carrying out of research work connected with roads; for these and other purposes to amend the Main Roads Act, 1924-1964, and certain other Acts; to validate certain matters; and for purposes connected therewith. [Assented to, 8th December, 1965.]

**BE**

**No. 19, 1965**

**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, 1965".

(2) The Main Roads Act, 1924, as amended by subsequent Acts and by this Act, may be cited as the Main Roads Act, 1924-1965.

**Amendment of Act No. 24, 1924.**

**2.** The Main Roads Act, 1924-1964, is amended—

**Sec. 2.**  
(Division into Parts.)

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

**PART VIc.—TOLL WORKS—ss. 31c-31f.**

**Sec. 3.**  
(Interpretation.)

(b) (i) by inserting in the definition of "Maintenance" in subsection one of section three after the words "or tourist road," wherever occurring the words "or toll work,";

(ii) by inserting in the same definition after the words "such road" the words "or toll work";

(iii) by inserting in the definition of "Permanent improvement" in the same subsection after the words "or tourist road," wherever occurring the words "or toll work,";

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

"Toll work" means work proclaimed as a toll work under section 31c of this Act or any part of such work.

(c)

(c) by inserting next after Part VI<sup>B</sup> the following new No. 19, 1965  
Part :—

New Part  
VIC.

**PART VI<sup>C</sup>.**

**TOLL WORKS.**

31C. The Governor may, on the recommendation of the Commissioner, proclaim as a toll work any work under this Act which is designed to facilitate the movement of motor traffic between Sydney and Newcastle and which at the commencement of the Main Roads (Amendment) Act, 1965, is in the course of being carried out or which after such commencement is, or is to be, carried out.

31D. (1) The Commissioner shall decide what works of construction or maintenance shall be carried out on a toll work. Before deciding the Commissioner shall consider the representations, if any, of the councils of the areas in which the toll work will be or is situated.

(2) Where the Commissioner has decided that any work of construction or maintenance is necessary on a toll work he may, except where authorised by the Governor to carry out the work, offer to place the carrying out of the work in the hands of the council, and to make an agreement with the council accordingly.

(3) The cost of works of construction or maintenance carried out on a toll work, or, where an agreement under this section provides for payment of the cost by instalments, the instalments, shall be paid from—

- (a) the County of Cumberland Main Roads Fund, where the toll work is situated within any area to which Part IV of this Act applies; and
- (b) the Country Main Roads Fund, where the toll work is situated within any area to which Part V of this Act applies.

Any

No. 19, 1965

Any payment under this subsection to a council in whose area the toll work is situated shall be expended on the said work in accordance with the agreement and the council shall account to the Commissioner therefor.

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

(5) All work entrusted pursuant to this section to a council shall be carried out to the satisfaction of the Commissioner.

Tolls and charges.

31E. (1) The Commissioner may levy tolls and charges in connection with traffic using a toll work. The amount of the tolls and charges and the method of collection of the tolls and charges in respect of a toll work shall be as prescribed by ordinance under section fifty-one of this Act. Such ordinance may vary according to classes of vehicles, impose different tolls and charges in respect of different classes of vehicles and exempt certain classes of vehicles from such tolls or charges.

(2) All moneys received from tolls or charges imposed under this Act in respect of a toll work shall be applied in the first place towards the cost of repairing and maintaining the toll work and the collection of the tolls and charges, and in the next place towards the cost of constructing the toll work and of acquiring land therefor and the repayment of any loan in connection therewith.

(3) (a) When the Governor is satisfied that all moneys expended upon the construction of the toll work, the acquisition of land in connection therewith, the repair and maintenance of the toll work, the costs of collection of the tolls and charges and the interest, costs, charges and expenses of any loan and of all matters incidental thereto, have been fully repaid out of the tolls and charges collected, he shall cause a notification to that effect to be published in the Gazette.

(b)

(b) Thereupon any ordinances made under this Act imposing tolls and charges in respect of a toll work the subject of a notification under paragraph (a) of this subsection shall cease to have force and effect, the provisions of this Act authorising the imposition of tolls and charges in respect of that toll work shall cease to have effect, and the toll work shall cease to be a toll work and may be proclaimed a road of a classification empowered by this Act.

31F. (1) The length of a toll work shall be deemed not to be a public street or public road within the meaning of the Road Maintenance (Contribution) Act, 1958, or the Local Government Act, 1919, as amended by subsequent Acts, or any regulations or ordinances made thereunder.

(2) The Governor may by proclamation published in the Gazette declare that the provisions of subsection one of this section shall apply to any other Act or any regulation, ordinance, by-law or the like made thereunder and such provisions shall apply accordingly.

(3) Notwithstanding that the length of a toll work is deemed not to be a public street within the meaning of the Road Maintenance (Contribution) Act, 1958, as amended by subsequent Acts, such length shall be recorded in the record of journeys of commercial goods vehicles using such toll work required to be kept under that Act, as so amended, and upon proof of payment of the toll or charge imposed in respect of the toll work exemption in respect of the charges payable under that Act, as so amended, in respect of that length shall be made.

(4) The provisions of the Motor Traffic Act, 1909, and the Metropolitan Traffic Act, 1900, and any Acts amending such Acts, shall apply, mutatis mutandis, to and in respect of a toll work as if it were a public street.

(d)

**No. 19, 1965**

Sec. 32.  
(When board may do work itself.)

Sec. 33.  
(What works may be carried out.)

Sec. 34.  
(Standard plans and specifications.)

Sec. 36.  
(Board given powers of council.)

Sec. 51.  
(Ordinances.)

- (d) by inserting in subsection one of section thirty-two after the words "and tourist roads," the words "and toll works,";
- (e) by inserting in subsection one of section thirty-three after the words "and tourist roads," the words "and toll works,";
- (f) by inserting in subsection one of section thirty-four after the words "or tourist road" the words ", or toll work";
- (g) (i) by inserting in subsection one of section thirty-six after the words "or tourist road" where firstly occurring the words "or a toll work";
  - (ii) by inserting in the same subsection after the words "or tourist road" where secondly occurring the words ", or toll work";
- (h) (i) by inserting in subsection one of section fifty-one after the words "main roads" wherever occurring the words "and toll works";
  - (ii) by inserting in paragraph (d1) of the same subsection after the words "main road" the words "or toll work";
  - (iii) by inserting next after paragraph (e) of the same subsection the following new paragraph :—
    - (e1) the application to toll works with such modification or variation as may be deemed necessary of such of the provisions of this Act relating to roads under this Act, the Local Government Act, 1919, as amended by subsequent Acts, and any other Act, and any regulation, ordinance or by-law or the like made under this or any other Act as the Governor may deem desirable for the control, management, maintenance and operation

operation of toll works and the use **No. 19, 1965** thereof by vehicles. Any such application may be made by reference to the particular section, subsection, regulation, ordinance, by-law, paragraph or other provision to be applied.

**3.** (1) The Main Roads Act, 1924-1964, is further **Further amendment of Act No. 24, 1924.** amended—

(a) by omitting from section two the matter relating to Part VA and by inserting in lieu thereof the following matter :—

**PART VA.—EXPENDITURE ON TRANSPORT WORKS—s. 27AA.**

**PART VAA.—MOTORWAYS—ss. 27B, 27C.**

(b) by inserting next after subsection one of section three the following new subsection :—

**(Interpre-tation.)**

(1A) Any word or phrase used in subsection (1B) of section twelve, subsection (1B) of section twenty-one, section 27AA, or subsection (2A) of section twenty-nine of this Act which has a meaning ascribed thereto in the Commonwealth Aid Roads Act 1964 of the Parliament of the Commonwealth shall have the like meaning in the said subsection or section.

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

(e) twenty per centum of the moneys, exclusive of the amount required to be expended under subsection two of section five of the Commonwealth Aid Roads Act 1964 of the Parliament of the Commonwealth, paid under sections three and four of the said Act to the State by the Commonwealth of Australia in respect of any year commencing on the first day of July;

**(d)**

**No. 19, 1965**Sec. 12.  
(Use of  
fund.)

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

(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 on road construction or on research directly connected with the planning or design of roads or with road construction.

Sec. 20.  
(Country  
Main  
Roads  
Fund.)

(e) 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 five of the Commonwealth Aid Roads Act 1964 of the Parliament of the Commonwealth, paid under sections three and four 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.  
(Expendi-  
ture.)

(f) 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 on road construction or on research directly connected with the planning or design of roads or with road construction.

Part VA.  
(Heading.)

(g) by omitting the heading "PART VA" and by inserting in lieu thereof the heading "PART VAA";

(h)

(h) by inserting next after section 27A the following No. 19, 1965  
new Part :—

New  
Part VA.

**PART VA.****EXPENDITURE ON TRANSPORT WORKS.**

27AA. Notwithstanding the provisions of sub- Expenditure on  
section (1B) of section twelve and subsection (1B) transport  
of section twenty-one of this Act, there may be works.  
expended in respect of any year out of the aggregate  
of moneys paid into the County of Cumberland  
Main Roads Fund and the Country Main Roads  
Fund pursuant to paragraph (e) of subsection one  
of section ten and paragraph (d) of subsection one  
of section twenty of this Act, respectively, on the  
construction of works that are not roads but are  
directly connected with transport by road or water  
an amount not exceeding the amount which bears  
to one million pounds the same proportion as the  
amount payable under section three of the  
Commonwealth Aid Roads Act 1964 of the  
Parliament of the Commonwealth to the State of  
New South Wales in respect of that year bears to  
the total amount payable under the said section  
three to all the States in respect of that year.

Any amount expended pursuant to the foregoing  
provisions of this section shall be borne by each of  
the funds above referred to in such proportions as  
the Commissioner may determine.

(i) (i) by omitting paragraph (b) of subsection one of Sec. 29.  
section twenty-nine and by inserting in lieu (Developmental  
thereof the following paragraph :— Roads Fund.)

(b) those moneys paid to the Commissioner  
out of the amount required to be  
expended under subsection two of  
section five of the Commonwealth Aid  
Roads Act 1964 of the Parliament of  
the Commonwealth from the moneys  
paid under that Act to the State by the  
Commonwealth

**Coal and Oil Shale Mine Workers (Superannuation)  
Amendment Act.**

**No. 19, 1965**

Commonwealth of Australia in respect  
of any year commencing on the first  
day of July;

(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 on road construction  
of developmental roads in rural areas.

(2) Subsection one of this section shall be deemed to  
have commenced on the first day of July, one thousand nine  
hundred and sixty-four.

Further  
amendment  
of Act No.  
24, 1924.

Sec. 48.  
(Various  
powers of  
board.)

4. The Main Roads Act, 1924-1964, is further amended  
by inserting next after paragraph (3) of section forty-eight  
the following new paragraph :—

(3A) carry out, or agree with any person for the carrying  
out of, or make contributions to any person carrying  
out, research connected with the planning or design  
of roads, the construction and maintenance of  
roads, or roadsides and the use of roads.