

MAIN ROADS (AMENDMENT) ACT, 1985, No. 34

New South Wales



ANNO TRICESIMO QUARTO

ELIZABETHÆ II REGINÆ

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Act No. 34, 1985.

An Act to amend the Main Roads Act, 1924, in relation to the use of money collected from tolls and charges imposed under that Act in respect of toll works, and for other purposes. [Assented to, 26th April, 1985.]

Main Roads (Amendment) 1985

BE 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.

1. This Act may be cited as the "Main Roads (Amendment) Act, 1985".

Amendment of Act No. 24, 1924.

2. The Main Roads Act, 1924, is amended in the manner set forth in Schedule 1.

SCHEDULE 1.

(Sec. 2.)

AMENDMENTS TO THE MAIN ROADS ACT, 1924.

- (1) (a) Section 10 (1) (f)—

Omit "and".

- (b) Section 10 (1) (il)—

Before section 10 (1) (j), insert:—

- (il) any moneys that pursuant to section 31E (2) are required to be paid into the County of Cumberland Main Roads Fund; and

- (2) Section 12 (1G)—

After section 12 (1F), insert:—

- (1G) That part of the County of Cumberland Main Roads Fund which consists of moneys paid into that fund under section 31E (2) may only be used for the purposes set out in section 31E (2A) and (2B).

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SCHEDULE 1—*continued.*AMENDMENTS TO THE MAIN ROADS ACT, 1924—*continued.*

- (3) (a) Section 20 (1) (e)—
Omit “and”.
- (b) Section 20 (1) (g1)—
Before section 20 (1) (h), insert:—
(g1) any moneys that pursuant to section 31E (2) are required to be paid into the Country Main Roads Fund; and
- (4) Section 21 (1F)—
After section 21 (1E), insert:—
(1F) That part of the Country Main Roads Fund which consists of moneys paid into that fund under section 31E (2) may only be used for the purposes set out in section 31E (2A) and (2B).
- (5) (a) Section 31E (2)–(2B)—
Omit section 31E (2), insert instead:—
(2) The moneys received from tolls and charges imposed under this Act in respect of a toll work shall be paid—
(a) where the toll work is situated wholly within any area to which Part IV applies—into the County of Cumberland Main Roads Fund;
(b) where the toll work is situated wholly within any area to which Part V applies—into the Country Main Roads Fund; or
(c) where the toll work is situated partly within any area to which Part IV applies and partly within any area to which Part V applies—into the County of Cumberland Main Roads Fund or the Country Main Roads Fund, or into both those funds, in such proportions as the Commissioner may from time to time direct.
(2A) The moneys paid into the County of Cumberland Main Roads Fund or the Country Main Roads Fund under subsection (2) in respect of a toll work may be used for any or all of the following purposes:—
(a) the collection of tolls and charges imposed in respect of the toll work;

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SCHEDULE 1—*continued.*AMENDMENTS TO THE MAIN ROADS ACT, 1924—*continued.*

- (b) the administration, repair, maintenance and lighting of the toll work;
- (c) the carrying out of works of construction on the toll work;
- (d) the acquisition of property in connection with the carrying out of works of construction on the toll work;
- (e) the payment to the Treasurer of amounts for interest, exchange, flotation expenses, loan management expenses and charges and sinking fund contributions in respect of loan moneys appropriated from the Consolidated Fund to meet the cost of works of construction carried out on the toll work;
- (f) the repayment of principal, and the payment of interest and loan management expenses and charges, in respect of moneys borrowed pursuant to the Public Authorities (Financial Accommodation) Act, 1981, to meet the cost of works of construction carried out on the toll work and of other works ancillary to the toll work;
- (g) the transfer, in respect of moneys borrowed as referred to in paragraph (f), of amounts to the reserve for loan repayment created in the fund concerned under section 42C;
- (h) the payment of any other costs and expenses whatsoever incurred by the Commissioner or a council in connection with the toll work.

(2B) Without limiting the generality of subsection (2A), the moneys paid into the County of Cumberland Main Roads Fund or the Country Main Roads Fund pursuant to subsection (2) in respect of the toll work between Berowra and Calga, referred to in the proclamation made by the Governor and published in Gazette No. 51 of 10th April, 1970, may, in addition to any

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SCHEDULE 1—*continued.*AMENDMENTS TO THE MAIN ROADS ACT, 1924—*continued.*

other moneys used for those purposes under this Act, be used for any one or more of the following purposes:—

- (a) the improvement and maintenance, in accordance with the provisions of this Act, of main, secondary, developmental and tourist roads, developmental works and works ancillary to such roads and works—
 - (i) situated within the City of Gosford or the Shire of Wyong; and
 - (ii) connected, directly or indirectly, to the toll work;
- (b) the acquisition of property in connection with the improvement and maintenance of roads, developmental works and ancillary works referred to in paragraph (a);
- (c) the payment to the Treasurer of amounts for interest, exchange, flotation expenses, loan management expenses and charges and sinking fund contributions in respect of loan moneys appropriated from the Consolidated Fund to meet the cost of the improvement and maintenance of roads, developmental works and ancillary works referred to in paragraph (a);
- (d) the repayment of principal, and the payment of interest and loan management expenses and charges, in respect of moneys borrowed pursuant to the Public Authorities (Financial Accommodation) Act, 1981, to meet the cost of the improvement and maintenance of roads, developmental works and ancillary works referred to in paragraph (a);
- (e) the transfer, in respect of moneys borrowed as referred to in paragraph (d), of amounts to the reserve for loan repayment created in the fund concerned under section 42C;
- (f) the payment of any other costs and expenses whatsoever incurred by the Commissioner or a council in connection with the improvement and maintenance of

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SCHEDULE 1—*continued.*AMENDMENTS TO THE MAIN ROADS ACT, 1924—*continued.*

roads, developmental works and ancillary works referred to in paragraph (a).

(b) Section 31E (3) (a)—

Omit “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”, insert instead “, in the case of the toll work between Berowra and Calga, referred to in the proclamation made by the Governor and published in Gazette No. 51 of 10th April, 1970, all costs, charges and expenses arising in respect of purposes referred to in subsections (2A) and (2B), or, in the case of any other toll work, all costs, charges and expenses arising in respect of purposes referred to in subsection (2A), have been fully paid”.
