

**FEDERAL AID ROADS
(FURTHER AGREEMENT) ACT.**

Act No. 49, 1931.

An Act to approve, adopt, authorise, and ratify a further Agreement between the Commonwealth of Australia and the State of New South Wales relating to the making available by the Commonwealth of moneys for the purpose of the construction, reconstruction, and maintenance of roads in New South Wales; to validate certain matters; to amend the Main Roads Act, 1924-1929; and for purposes connected therewith. [Assented to, 7th October, 1931.]

George V,
No. 49, 1931.

BE

Federal Aid Roads (Further Agreement) Act.

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BE it enacted by the King'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. (1) This Act may be cited as the "Federal Aid Roads (Further Agreement) Act, 1931," and shall be read and construed with the Federal Aid Roads Act, 1927.

(2) The Federal Aid Roads Act, 1927, is in this Act called the Principal Act.

Approval and ratification of agreement.

2. The agreement, a copy of which is comprised in the Schedule to this Act, is hereby approved, adopted, authorised, and ratified.

Principal Act subject to Schedule to this Act to continue in force.

3. (1) The provisions of the Principal Act, including the agreement comprised in the Schedule thereto (as varied by the agreement comprised in the Schedule to this Act) shall continue in full force and effect: Provided that such variations shall take effect as from and including the first day of July, one thousand nine hundred and thirty-one, but shall not affect any matter arising out of or any right, obligation, or liability, acquired, accrued, or incurred under the agreement comprised in the Schedule to the Principal Act, prior to the said first day of July, one thousand nine hundred and thirty-one, or any remedy in respect of any such matter, right, obligation, or liability, and any such remedy may be exercised or enforced as if the last-mentioned agreement had not been varied.

(2) All acts, matters, and things done or performed under or pursuant to the agreement comprised in the Schedule to this Act approved, adopted, authorised, and ratified prior to the passing of this Act or to be done or performed under or pursuant to the said Agreement after the passing of this Act are hereby approved, adopted, authorised, and ratified, and are and shall be valid and effectual for all purposes whatsoever.

Amendment of Act No. 24, 1924. Sec. 10.

(County of Cumberland Main Roads Trust.)

4. (1) The Main Roads Act, 1924-1929, is amended—

- (a) by omitting from paragraph (e) of subsection one of section ten the words "for the development of main roads" and inserting in lieu thereof the following words: "including that proportion of any sums due and payable by the

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the Commonwealth of Australia under the Federal Aid Roads Agreement, each year commencing from the first day of July, one thousand nine hundred and thirty-one, which is equal to the proportion the amount paid for that year into the County of Cumberland Main Roads Fund in accordance with paragraph (a) hereof bears to the total amount paid for that year into the County of Cumberland Main Roads Fund and the Country Main Roads Fund in accordance with the said paragraph (a) and paragraph (a) of subsection one of section twenty of this Act respectively”;

- (b) by omitting from paragraph (d) of subsection one of section twenty the words “for the development of main roads” and inserting in lieu thereof the following words: “including that proportion of any sums due and payable by the Commonwealth of Australia under the Federal Aid Roads Agreement each year commencing from the first day of July, one thousand nine hundred and thirty-one, which is equal to the proportion the amount paid for that year into the Country Main Roads Fund in accordance with paragraph (a) hereof bears to the total amount paid for that year into the Country Main Roads Fund and County of Cumberland Main Roads Fund in accordance with the said paragraph (a) and paragraph (a) of subsection one of section ten of this Act respectively”;
- (c) by inserting after subsection four of section twenty-one the following new subsection:—
- (4A) Subject to the approval of the Minister, the Board shall, from the first day of July, one thousand nine hundred and thirty-one, until the thirty-first day of December, one thousand nine hundred and thirty-six, pay annually to the Minister for Public Works from the Country Main Roads Fund for use in the maintenance and construction of roads generally in the Western Division that proportion of the sum of fifty thousand pounds which the amount actually

Sec. 20.

(Country
Main Roads
Fund.)

Sec. 21.

(Expendi-
ture.)

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actually received in the corresponding year from the Commonwealth of Australia under the Federal Aid Roads Agreement bears to the sum of five hundred and fifty-two thousand pounds.

Sec. 24.
(Contributions by councils.)

- (d) by omitting from subsection one of section twenty-four the words "Where any portion of the cost of the work is contributed to by the Commonwealth Government under the Federal Aid Roads Agreement, the council's contribution shall not exceed the above proportions of the State's share of such cost";

Sec. 27A.
(Western Division.)

- (e) (i) by inserting after the word "council" in subsection two of section 27A the words "or expended";

- (ii) by inserting next after subsection two of section 27A the following new subsection:—

(3) The Director of Public Works shall submit to the Board such details and certificates of expenditure as may be required by the Commonwealth Government under the Federal Aid Roads Agreement.

Part VIA
(Federal Aid Roads.)

- (f) by omitting Part VIA;

Sec. 2.
(Division into Parts.)

- (g) (i) by omitting from section two the figures "18" and by inserting in lieu thereof the figures and letter "18B";
- (ii) by omitting from the same section the figures "22-27" and by inserting in lieu thereof the figures and letters "21A-27A";
- (iii) by omitting from the same section the figures "53" and by inserting in lieu thereof the figures "62."

(2) The amendment made by paragraph (f) of subsection one of this section shall be deemed to have taken effect on the thirtieth day of June, one thousand nine hundred and thirty-one, but any moneys in the Federal Aid Roads Fund on that date or received in respect of any period prior to that date shall be dealt with and disposed of in accordance so far as practicable with the provisions of the law prior to that date.

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(3) Section nine of the Main Roads (Amendment) Act, 1929, is hereby repealed.

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Consequential
repeal of s. 9 of
Act No. 15, 1929.

Citation.

(4) The Main Roads Act, 1924-1929, as amended by this Act, may be cited as the Main Roads Act, 1924-1931.

SCHEDULE.

AGREEMENT made the twenty-fifth day of September, one thousand nine hundred and thirty-one, between the Commonwealth of Australia (in this Agreement called "the Commonwealth") and the State of New South Wales (in this Agreement called "the State"):

WHEREAS by an Agreement in the form contained in the Schedule to the Federal Aid Roads Act, 1926, of the Commonwealth and made on the seventeenth day of June, one thousand nine hundred and twenty-seven, between the Commonwealth and the State (which Agreement was approved adopted authorized and ratified by the Federal Aid Roads Act, 1927, of the State and is hereinafter called the "Principal Agreement") it was agreed in clauses 2, 3 and 4 as follows:—

2. (1) The Commonwealth will subject to and for the purposes of this Agreement provide the sum of five million five hundred and twenty thousand pounds (£5,520,000) during the period of ten (10) years commencing on the first day of July, one thousand nine hundred and twenty-six.

(2) The said sum of five million five hundred and twenty thousand (£5,520,000) will be paid by the Commonwealth into a Trust Account established for the purpose under section 62A of the Audit Act, 1901-1924, of the Commonwealth by payments into such account of the sum of five hundred and fifty-two thousand pounds (£552,000) in each year during the said period of ten years.

(3) Payments will be made to the State out of the moneys for the time being in the said Trust Account in such amounts at such times and subject to such conditions as the Minister may from time to time determine.

3. (1) Subject to clause 7 of this Agreement the State will provide an additional sum of four million one hundred and forty thousand pounds (£4,140,000) for the purposes of this Agreement.

(2) The said sum of four million one hundred and forty thousand pounds (£4,140,000) shall be provided by the State in instalments at the rate of fifteen shillings (15s.) for each one pound sterling paid to the State out of the said Trust Account.

(3) Of the amount to be provided by the State under this clause the sum of five hundred and seventeen thousand five hundred pounds (£517,500) shall be provided from revenue. The balance of the amount to be provided by the State may at the option of the State be provided out of current roads expenditure or from revenue or loan moneys.

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4. (1) If any instalment provided by the State as aforesaid is or includes loan moneys of the State the State shall at the time when the instalment is provided so inform the Commonwealth and specify the amount of loan moneys in the instalment.

(2) The Commonwealth shall thenceforward in each year during the remainder of the said period of ten years withdraw from moneys in the said Trust Account and pay into the Sinking Fund hereinafter mentioned an amount equal to three pounds per centum (£3%) per annum accruing from day to day on the amount of loan moneys in the instalment.

(3) The State shall on the thirtieth day of June in each year after the expiration of the said period of ten years pay into the said Sinking Fund an amount equal to £3 per centum (£3%) per annum accruing from day to day on each amount of loan moneys included in an instalment provided by the State as aforesaid until the amount paid into the Sinking Fund under this and the preceding subclause in respect of that instalment (together with all interest credited thereto) is sufficient to repay the loan money included in such instalment.

(4) The Sinking Fund hereinbefore referred to is the National Debt Sinking Fund established under the National Debt Sinking Fund Act, 1923-1925, of the Commonwealth or any amendment thereof or any Sinking Fund established in lieu thereof and all moneys paid into such fund will be deemed to accumulate each year at the average annual effective rate of interest earned during that year by Sinking Fund moneys.

(5) A certificate by the body or person for the time being controlling the said Sinking Fund moneys stating the average annual effective rate of interest earned during any year by Sinking Fund moneys shall be conclusive as to the matter stated :

And whereas by an Agreement made the twelfth day of December one thousand nine hundred and twenty-seven between the Commonwealth of the first part the State of New South Wales of the second part the State of Victoria of the third part the State of Queensland of the fourth part the State of South Australia of the fifth part the State of Western Australia of the sixth part and the State of Tasmania of the seventh part (a copy of which Agreement is set forth in the Schedule to the Financial Agreement Validation Act, 1929, of the Commonwealth and in the Schedule to the Financial Agreement Ratification Act, 1928, of the State and which Agreement is hereinafter referred to as "the Financial Agreement") provision was made with respect to (inter alia) the borrowing of moneys by the State or by the Commonwealth for and on behalf of the State and for the payment of Sinking Fund contributions by the Commonwealth and the State in respect of the Public Debt of the State existing on the 30th June, 1927, and in respect of each loan raised after the 30th June, 1927, by the State or by the Commonwealth for and on behalf of the State :

And whereas the Financial Agreement has been approved by the Parliaments of the Commonwealth and of all the said States :

And

And whereas the Commonwealth and the State executed the Financial Agreement upon the understanding that the Financial Agreement should not modify or affect the operation of clause 4 of the Principal Agreement but that in addition to the provision made in the Financial Agreement for the payment of Sinking Fund contributions as aforesaid the provisions of clause 4 of the Principal Agreement should continue in full force and effect :

And whereas the Commonwealth and the State have agreed to vary the Principal Agreement in the manner hereinafter appearing :

Now it is hereby agreed as follows :—

1. This Agreement shall have no force or effect and shall not be binding on either party unless and until it is approved adopted authorised or ratified by the Parliaments of the Commonwealth and of the State.

2. The Financial Agreement shall not modify or affect the operation of clause 4 of the Principal Agreement or clause 4 of the Principal Agreement as varied by this Agreement but in addition to the provision made in the Financial Agreement for the payment of Sinking Fund contributions by the Commonwealth and the State in respect of the Public Debt of the State existing on 30th June, 1927, and in respect of each loan raised after the 30th June, 1927, by the State or by the Commonwealth for and on behalf of the State the provisions of clause 4 of the Principal Agreement as varied by this Agreement shall continue in full force and effect.

3. The Principal Agreement shall be read and construed as if clauses 2 to 12 (both inclusive) were deleted therefrom and the following clauses were inserted in lieu of clauses 2 and 4 respectively :—

2. (1) The Commonwealth will subject to and for the purposes of this Agreement provide during each year of the period of five years commencing on the first day of July one thousand nine hundred and thirty-one a sum equivalent to 552/2,000ths of the aggregate of the following amounts namely :—

- (a) so much of the duties of customs payable and collected under the Tariff Item specified in this paragraph in respect of the goods specified in this paragraph as shall be equal to 2½d. per gallon of all of those goods which shall be entered for home consumption during that year that is to say the duties of customs payable and collected under Tariff Item 229 (c) in the Schedule to the Customs Tariff, 1921–1930, as proposed to be amended by the Customs Tariff Proposal introduced into the House of Representatives on the twenty-sixth day of March one thousand nine hundred and thirty-one or under that Tariff Item as further amended or proposed to be amended during the continuance of this Agreement in respect of naphtha benzine benzoline gasoline pentane petrol and other petroleum or shale spirit; and
- (b) so much of the duties of excise payable and collected under the Tariff Item specified in this paragraph in respect of the goods specified in this paragraph as shall be equal to 1½d. per gallon of all of those goods which shall be entered for home consumption during that year that is to say the duties of excise

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excise payable and collected under Tariff Item 11 in the Schedule to the Excise Tariff, 1921-1928, as proposed to be amended by the Excise Tariff Proposal introduced into the House of Representatives on the twenty-sixth day of March one thousand nine hundred and thirty-one or under that Tariff Item as further amended or proposed to be amended during the continuance of this Agreement in respect of petroleum or shale products namely petrol benzine benzol benzoline gasoline naphtha pentane and other petroleum and shale distillates and in respect of coal tar and coke oven distillates suitable for use as petrol substitutes.

and during the period of six months commencing on the first day of July one thousand nine hundred and thirty-six a sum equivalent to 552/2,000ths of the aggregate of the following amounts namely:—

- (i) so much of the duties of customs payable and collected under the Tariff Item specified in paragraph (a) of this subclause in respect of the goods specified in that paragraph as shall be equal to 2½d. per gallon of all of those goods which shall be entered for home consumption during the said period of six months; and
- (ii) so much of the duties of excise payable and collected under the Tariff Item specified in paragraph (b) of this subclause in respect of the goods specified in that paragraph as shall be equal to 1½d. per gallon of all of those goods which shall be entered for home consumption during the said period of six months.

(2) All the said sums will be paid by the Commonwealth into a Trust Account established for the purpose under Section 62A of the Audit Act, 1901-1926, of the Commonwealth.

(3) Payments will be made monthly to the State out of the moneys for the time being in the said Trust Account.

4. (1) The Commonwealth shall in each year during the said period of five years and also during the said period of six months commencing on the first day of July one thousand nine hundred and thirty-six withdraw from moneys in the said Trust Account and pay into the Sinking Fund hereinafter mentioned an amount equal to three pounds per centum (£3%) per annum accruing from day to day on so much of the moneys which have been provided by the State for the purposes of this Agreement as have been provided from loan moneys.

(2) The State shall on the thirty-first day of December (or on such other date as may be agreed upon between the Commonwealth and the State) in each year after the expiration of the said periods of five years and six months pay into the said Sinking Fund an amount equal to two pounds ten shillings per centum (£2 10s. per centum) per annum accruing from day to day on the amount of loan moneys which have been provided by the State for the purposes of this Agreement until the amounts paid into the Sinking Fund under this Agreement and any amendment of this Agreement in respect of such loan moneys together with the Sinking Fund contributions in respect of such loan moneys provided for by the Agreement set forth in the

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Schedule to the Financial Agreement Validation Act, 1929, of the Commonwealth and in the Schedule to the Financial Agreement Ratification Act, 1928, of the State and validated and approved by those Acts are sufficient to provide for the redemption of the said loan moneys. For the purposes of this clause the said payments and contributions shall be deemed to accumulate at the rate of four and a half per centum ($4\frac{1}{2}$ per centum) per annum compounded.

(3) The Sinking Fund hereinbefore referred to is the National Debt Sinking Fund established under the National Debt Sinking Fund Act, 1923-1930, of the Commonwealth or any amendment thereof or any Sinking Fund established in lieu thereof and all moneys paid into such Fund shall be applied as if they were Sinking Fund contributions paid under the Agreement last aforesaid in respect of the Public Debt of the State.

4. (1) The variations of the Principal Agreement made by this Agreement shall take effect on the first day of July one thousand nine hundred and thirty-one.

(2) Upon such variations taking effect the State shall be freed and discharged from liability to provide under clause 3 of the Principal Agreement any further moneys than have been actually provided by it under that clause at that date.

(3) If the State prior to such variations taking effect shall have expended any of the moneys paid to the State under the Principal Agreement or any of the moneys provided by the State under that Agreement on the maintenance of roads instead of on the construction or reconstruction of Federal Aid roads the expenditure on the maintenance of roads shall be deemed to have been authorised by the Principal Agreement and the State shall not be under any liability to the Commonwealth for so doing.

(4) If at the time upon which such variations shall take effect any moneys shall be in the Trust Account mentioned in the Principal Agreement payments will be made to the State out of those moneys in such amounts and at such times as the Minister may from time to time determine.

5. All moneys paid to the State under this Agreement or under the Principal Agreement as varied by this Agreement will be expended upon the construction reconstruction maintenance or repair of roads.

6. The Minister may satisfy himself by such means as he thinks fit as to whether the moneys paid to the State under this Agreement or under the Principal Agreement as varied by this Agreement have been expended as provided for in the last preceding clause.

7. The expression "the Minister" in this Agreement has the same meaning as that expression has in the Principal Agreement.

In witness whereof the Prime Minister of the Commonwealth and the Premier of the State have hereunto set their hands the day and year first above written.

Signed

Flour Acquisition (Amendment) Act.

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Signed by the Right Honorable
JAMES HENRY SCULLIN, the
Prime Minister of the Com-
monwealth for and on behalf
of the Commonwealth in the
presence of—
(Sgd.) F. STRAHAN. } (Sgd.) J. H. SCULLIN.

Signed by the Honorable JOHN
THOMAS LANG, the Premier of
the State for and on behalf of
the State in the presence of—
(Sgd.) C. H. HAY. } (Sgd.) JOHN T. LANG.
