

Federal Aid Roads and Works Act 1937 No 22

[1937-22]



New South Wales

Status Information

Currency of version

Repealed version for 21 May 1986 to 5 January 2012 (accessed 18 September 2024 at 22:16)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Repeal**

The Act was repealed by Sch 5 to the *Statute Law (Miscellaneous Provisions) Act (No 2) 2011 No 62* with effect from 6.1.2012.

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 6 January 2012

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Federal Aid Roads and Works Act 1937 No 22



New South Wales

An Act to authorise and approve an 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, maintenance and repair of roads or other works connected with transport; to provide for the carrying into effect of that agreement and for the application of the moneys paid thereunder; to amend the *Main Roads Act 1924–1936*, and certain other Acts in certain respects; and for purposes connected therewith.

1 Name of Act

- (1) This Act may be cited as the *Federal Aid Roads and Works Act 1937*, and shall be read and construed with the *Main Roads Act 1924–1936*.
- (2) (Repealed)

2 Authorisation and approval of agreement

- (1) The agreement, a copy of which is set out in the Schedule to this Act, is hereby authorised and approved and the doing or performance of all such acts, matters or things as are to be or may be done or performed under or in pursuance of the agreement is hereby authorised and the agreement may be carried into effect notwithstanding the provisions of any other Act.
- (2) Without prejudice to the generality of subsection one of this section all acts, matters and things for or with respect to which provision is made in the agreement or which, by the agreement, are agreed, directed, authorised or permitted to be done or performed by or on behalf of the State, are hereby sanctioned, authorised and confirmed.

3 (Repealed)

4 Purposes for which moneys paid under the agreement may be expended

- (1) That part of the County of Cumberland Main Roads Fund and of the Country Main Roads Fund which consists of sums provided under subclause one of clause two of the agreement authorised and approved by this Act (in this section hereinafter referred to as ***the agreement***) shall be expended under and in accordance with the *Main Roads*

Act 1924-1937, upon the construction, reconstruction, maintenance or repair of main roads.

(2) That part of the County of Cumberland Main Roads Fund and of the Country Main Roads Fund which consists of sums provided under subclause two of clause two of the agreement shall be expended:

- (a) under and in accordance with the *Main Roads Act 1924-1937*, upon the construction, reconstruction, maintenance or repair of roads, or
- (b) upon the construction, reconstruction, maintenance or repair of any such other work connected with transport in this section hereinafter referred to as **work connected with transport** as may be declared by the Minister, by notification published in the Gazette to be a work connected with transport, within the meaning of the agreement, or
- (c) upon any works of maintenance and repair which the State may be required to carry out under clause five of the agreement.

(3)

- (a) The Minister may in any notification published under paragraph (b) of subsection two of this section or in any subsequent notification specify the person by whom the particular work connected with transport shall be carried out.
- (b) Any work connected with transport shall be deemed to be an authorised work within the meaning of the *Public Works Act 1912*, as amended by subsequent Acts, and the person specified in any notification under paragraph (a) of this subsection shall, by virtue of this Act, be empowered to carry out the work connected with transport and shall be the constructing authority for the same within the meaning of the said Act as so amended, and shall enter into such contracts and take all such necessary steps for the proper execution thereof as such authority may think proper.

The provisions of the said Act as so amended, sections thirty-four, thirty-five, thirty-six and thirty-seven excepted, shall apply to and in respect of such work connected with transport.

- (c) Without prejudice to the generality of paragraph (b) of this subsection, the provisions of section thirty-eight of the said Act, as so amended, shall apply to and in respect of any contracts referred to in that paragraph.
- (d) The Commissioner shall, except where he is the person specified in a notification under paragraph (a) of this subsection, pay the cost of carrying out the work connected with transport to the constructing authority on trust to be expended on the said work, and the constructing authority shall account to the Commissioner therefor.

(4)

- (a) The Commissioner may, except where authorised by the Governor to carry out any work referred to in paragraph (c) of subsection two of this section, offer to place the carrying out of the work in the hands of the council and to make an agreement with the council accordingly.
- (b) Where an agreement is made the Commissioner shall pay the cost or instalments thereof, to the council in trust, to be expended on the said work in accordance with the agreement, and the council shall account to the Commissioner therefor.
- (c) The Governor may, in any special case, direct that the work be carried out by the Commissioner.

(5) The Commissioner may, for the purpose of meeting the cost of carrying out the works referred to in paragraphs (b) and (c) of subsection two of this section, use that part of both or either of the main roads funds which consists of sums provided under subclause two of clause two of the agreement.

Schedule

(Section 2)

AGREEMENT made the thirteenth day of August One thousand nine hundred and thirty-seven 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 authorised and ratified by the *Federal Aid Roads Act, 1927* of the State and is hereinafter called the "Original Agreement") it was agreed (inter alia) that the Commonwealth would subject to and for the purposes of the Agreement provide the sum therein mentioned during the period of ten years commencing on the first day of July One thousand nine hundred and twenty-six and that subject as therein mentioned the State would provide the additional sum therein mentioned for the purposes of the Agreement:

AND WHEREAS the Original Agreement was varied by two Amending Agreements as follows, namely:—

- (a) An Agreement in the form contained in the Schedule to the *Federal Aid Roads Act 1931* of the Commonwealth and made on the twenty-fifth day of September One thousand nine hundred and thirty-one between the Commonwealth and the State which Agreement was approved adopted authorised and ratified by the *Federal Aid Roads (Further Agreement) Act 1931* of the State and varied the Original Agreement and extended it for the period of six months from the first day of July One thousand nine hundred and thirty-six: and
- (b) An Agreement in the form contained in the Schedule to the *Federal Aid Roads Act 1936* of the Commonwealth and made on the twenty-eighth day of October One thousand nine hundred and thirty-six between the Commonwealth and the State which Agreement was approved adopted

authorised and ratified by the *Federal Aid Roads (Agreements Extension) Act 1936* of the State and extended the Original Agreement as varied by the Amending Agreement aforesaid for six months from the first day of January One thousand nine hundred and thirty-seven:

AND WHEREAS the Commonwealth proposes to make available to the several States for the purposes hereinafter mentioned the amounts hereinafter mentioned in each year during the period of ten years commencing on the first day of July One thousand nine hundred and thirty-seven:

AND WHEREAS the Commonwealth proposes to distribute the said amounts between the several States on the following basis, namely, five per centum to the State of Tasmania, and ninety-five per centum between the several States (excluding Tasmania) as to three-fifths of such ninety-five per centum, according to their respective populations as at the thirtieth day of June One thousand nine hundred and thirty-six, and as to two-fifths of such ninety-five per centum according to their respective areas:

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 authorised or approved by the Parliaments of the Commonwealth and of the State.

2.—

(1)

The Commonwealth will subject to this Agreement and for the purposes mentioned in subclause (1) of clause 4 of this Agreement provide in each year during the period of ten years commencing on the first day of July One thousand nine hundred and thirty-seven a sum equivalent to 281/1000ths 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 those good 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 1933-1936 or under that Tariff Item as amended or proposed to be amended during the continuance of this Agreement in respect of petroleum and shale products, viz.: naphtha, benzine, benzoline, gasoline, pentane, petrol and any 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 those good which shall be entered for home consumption during that year, that is to say, the duties of excise payable and collected under Tariff Item 11 in the Schedule to the Excise Tariff 1921-1936 or under that Tariff Item as amended or proposed to be amended during the continuance of this Agreement in respect of—
 - (A) petroleum or shale products, viz.: petrol, benzine, benzoline, gasoline, naphtha, pentane, and any other petroleum or shall spirit as described in that Item;
 - (B) petroleum or shale distillates, viz.: turpentine substitutes; and

(C) coal tar and coke oven distillates (including benzol) suitable for use as petrol substitutes as described in that Item.

(2)

The Commonwealth will subject to this Agreement and for the purposes mentioned in subclause (2) of clause 4 of this Agreement provide in each year during the period of ten years last aforesaid a sum equivalent to 281/1000ths 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 paragraph (a) of subclause (1) of this clause in respect of the goods specified in that paragraph as shall be equal to $\frac{1}{2}$ d. per gallon of all those goods which shall be entered for home consumption during that year;
- (b) so much of the duties of excise payable and collected under the Tariff Item specified in paragraph (b) of subclause (1) of this clause in respect of the goods specified in that paragraph (other than benzol) as shall be equal to $\frac{1}{2}$ d. per gallon of all those goods which shall be entered for home consumption during that year.

(3)

All the sums provided under subclauses (1) and (2) of this clause will be paid by the Commonwealth into a Trust Account established for the purpose under section 62A of the *Audit Act 1901-1934*.

(4)

Payments will be made monthly to the State out of the moneys for the time being in the said Trust Account and the Minister shall when each payment is made notify the State of the portions of the payment which are made from the sums provided under subclauses (1) and (2) of this clause, respectively.

3.—

(1)

The Commonwealth will in each year during the period of ten years last aforesaid withdraw from moneys in the said Trust Account and pay into the Sinking Fund an amount equal to Two pounds ten shillings per centum (£2 10s. per cent.) per annum accruing from day to day on so much of the moneys which have been provided by the State for the purposes of the Original Agreement as have been provided from loan moneys.

(2)

The State will 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 period of ten years last aforesaid pay into the Sinking Fund an amount equal to Two pounds ten shillings per centum (£2 10s. per cent.) per annum accruing from day to day on the amount of loan moneys which have been provided by the State for the purposes of the Original Agreement until the amounts paid into the Sinking Fund under the Original Agreement as varied as aforesaid and 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 Financial Agreement 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 (4½ per cent.) per annum compounded.

(3)

The Sinking Fund hereinbefore referred to is the National Debt Sinking Fund established under the *National Debt Sinking Fund Act 1923-1934* of the Commonwealth or any amendment thereof or any Sinking Fund established in lieu thereof and all moneys paid into such Funds shall be applied as if they were Sinking Fund contributions paid under the Financial Agreement in respect of the Public Debt of the State.

(4)

The Financial Agreement hereinbefore referred to is the Agreement 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 validated and approved by those Acts.

(5)

Subclause (2) of clause 4 of the Original Agreement as varied as aforesaid shall cease to have effect upon the first day of July One thousand nine hundred and thirty-seven.

4.—

(1)

All moneys paid to the State from the sums provided under subclause (1) of clause 2 of this Agreement shall be expended upon the construction reconstruction maintenance or repair of roads.

(2)

All moneys paid to the State from the sums provided under subclause (2) of clause 2 of this Agreement shall be expended upon the construction reconstruction maintenance or repair of roads or other works connected with transport as the State may think fit.

5.—

(1)

Whenever so required by the Minister the State during the period of ten years commencing on the first day of July One thousand nine hundred and thirty-seven and not thereafter will to the reasonable satisfaction of the Minister make provision for the proper maintenance and repair, to a standard necessary to meet the requirements of the Commonwealth and other traffic using such roads, of public roads adjoining or of approach to properties of the Commonwealth within the State.

(2)

The State shall not be required to make any provision under this clause—

- (a) in any year in excess of an amount equivalent to one-twelfth of the moneys paid to the State in that year from the sums provided under subclause (2) of clause 2 of this Agreement; or
- (b) with respect to roads within the boundaries of the properties of the Commonwealth.

(3)

In this clause “properties of the Commonwealth” includes establishments, works and activities of the Commonwealth.

6.

Any notice, requirement or other communication to be given or made by the Commonwealth or the Minister to the State under this Agreement shall be deemed to have been duly given or made if signed by or on behalf of the Minister and delivered by hand or sent by prepaid post addressed to the Minister for Transport at his office in Sydney.

7.

In this Agreement “the Minister” means the Minister of State of the Commonwealth for the Interior for the time being and includes any Minister of State of the Commonwealth or member of the Federal Executive Council for the time being acting for and on behalf of the Minister.

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 by the RIGHT HONORABLE JOSEPH ALOYSIUS LYONS, C.H., the Prime Minister of the Commonwealth in the presence of—
(Sgd.) F. STRAHAN } (Sgd.) J. A. LYONS.

Signed by the HONORABLE BERTRAM SYDNEY BARNSDALE STEVENS the Premier of the State of New South Wales in the presence of—
(Sgd.) J. G. LEE } (Sgd.) B. S. STEVENS.