

COMMONWEALTH AID ROADS.

No. 57 of 1954.

An Act to grant and apply out of the Consolidated Revenue Fund sums for the purpose of Financial Assistance to the States to be applied in the Construction, Reconstruction, Maintenance and Repair of Roads and Works connected with Transport, and for other purposes.

[Assented to 6th November, 1954.]

BE it enacted by the Queen's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, for the purpose of appropriating the grant originated in the House of Representatives, as follows :—

1. This Act may be cited as the *Commonwealth Aid Roads Act* 1954. Short title.
2. This Act shall come into operation on the day on which it receives the Royal Assent. Commencement.
3. The *Commonwealth Aid Roads Act* 1950 is repealed. Repeal.

Definitions.

4. In this Act, unless the contrary intention appears—

“rural roads” means roads in rural areas (including developmental roads, feeder roads, roads in sparsely populated areas and in soldier settlement areas and roads in country municipalities and shires) other than highways, trunk roads and main roads ;

“the previous Trust Account” means the Commonwealth Aid Roads Trust Account established by the *Commonwealth Aid Roads Act 1950* ;

“the Supplementary Trust Account” means the Commonwealth Aid Roads (Supplementary) Trust Account established under section sixty-two A of the *Audit Act 1901-1954* ;

“the Trust Account” means the Commonwealth Aid Roads Trust Account established by this Act ;

“year” means a period commencing on the first day of July and ending on the following thirtieth day of June.

Transitional provisions.

5.—(1.) Moneys standing to the credit of the previous Trust Account at the commencement of this Act shall be transferred to the Trust Account.

(2.) Moneys transferred to the Trust Account from the previous Trust Account and representing moneys paid into the previous Trust Account in respect of a year preceding the year that commenced on the first day of July, One thousand nine hundred and fifty-four, may be applied in making payments for the purpose; for which those moneys could have been applied if this Act had not been enacted.

(3.) An amount paid into the previous Trust Account under section five of the *Commonwealth Aid Roads Act 1950* in respect of the year that commenced on the first day of July, One thousand nine hundred and fifty-four, shall be deemed to have been paid into the Trust Account under section seven of this Act, and the amounts payable into the Trust Account under the last-mentioned section in respect of that year are reduced accordingly.

(4.) An amount paid out of the previous Trust Account under section six or seven, section ten or section eleven of the *Commonwealth Aid Roads Act 1950* in respect of the year that commenced on the first day of July, One thousand nine hundred and fifty-four, shall be deemed to have been paid out of the Trust Account under section nine, twelve or thirteen of this Act, respectively, and the amounts payable out of the Trust Account under those sections of this Act in respect of that year are reduced accordingly.

Establishment of Trust Account.

6. For the purposes of this Act, there shall be a Trust Account by the name of the Commonwealth Aid Roads Trust Account, which shall be a Trust Account within the meaning of section sixty-two A of the *Audit Act 1901-1954*.

7.—(1.) Subject to this Act, there shall be paid into the Trust Account the amounts specified in the Schedule to this Act. Payments into the Trust Account.

(2.) The amounts so payable shall be paid into the Trust Account by instalments having regard to the collections from time to time of the duties of customs and duties of excise referred to in that Schedule.

(3.) Payments into the Trust Account under this section shall be made out of the Consolidated Revenue Fund, which is appropriated accordingly.

8.—(1.) The Treasurer may direct that a part of the amount that would, but for this section, be payable to a State in respect of a year out of the Trust Account under the next succeeding section shall be paid out of the Supplementary Trust Account instead of out of the Trust Account. Application of moneys in Supplementary Trust Account.

(2.) Where, in respect of a year, an amount has been paid to a State out of the Supplementary Trust Account before the commencement of this Act, or is paid to a State out of that Account in pursuance of a direction under the last preceding sub-section—

- (a) this Act applies in relation to that amount as if it had been paid to that State in respect of that year out of the Trust Account under the next succeeding section ;
- (b) that amount shall, for the purposes of sub-section (3.) of the next succeeding section, be deemed to have been paid into the Trust Account in respect of that year ; and
- (c) the amounts payable into the Trust Account under the last preceding section in respect of that year, and the amount that would, but for this section, be payable to that State out of the Trust Account under the next succeeding section in respect of that year, shall be reduced accordingly.

9.—(1.) There is payable to the States, out of the Trust Account, in respect of each year during the period of five years that commenced on the first day of July, One thousand nine hundred and fifty-four, for the purpose of financial assistance, the amounts paid into the Trust Account in respect of that year, less the sum of Nine hundred thousand pounds. Grants to States for works on rural and other roads.

(2.) Subject to the next two succeeding sub-sections, moneys paid to a State under this section shall be expended—

- (a) on the construction, reconstruction, maintenance and repair of roads or on the purchase of road-making plant ; or
- (b) in making payments to local authorities for the construction, reconstruction, maintenance and repair of roads or for the purchase of road-making plant.

(3.) Each State shall, out of the moneys paid to it under this section in respect of a year, expend an amount, not being less than the amount ascertained by apportioning two-fifths of the amount paid into the Trust Account in respect of that year amongst the States in the same proportions as sums payable to the States under this section are divisible under the next succeeding section—

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

(4.) Each State may, out of the moneys paid to it under this section in respect of a year, expend an amount, not exceeding the amount ascertained by apportioning the sum of One million pounds amongst the States in the same proportions as sums payable to the States under this section are divisible under the next succeeding section, on works connected with transport by road or water other than those specified in the last two preceding sub-sections.

Method of
distribution
amongst the
States.

10.—(1.) A sum payable to the States under the last preceding section shall be divided amongst the States as follows :—

- (a) one-twentieth of the sum shall be paid to the State of Tasmania ; and
- (b) of the remainder of the sum, three-fifths shall be divided amongst the other States according to their respective populations and two-fifths shall be divided amongst those other States according to their respective areas.

(2.) For the purposes of the last preceding sub-section, the respective populations of the States shall be deemed to be those populations as published by the Commonwealth Statistician from the returns of the census taken during the month of June, One thousand nine hundred and fifty-four.

Certified
statement of
expenditure to
be furnished.

11. Payment of an amount to a State under section nine of this Act is subject to the condition that the State will, as soon as practicable after the thirtieth day of June in each year, submit to the Minister—

- (a) a statement, in accordance with a form approved by the Minister, of the expenditure by the State out of that amount in that year : and
- (b) a certificate by the Auditor-General for the State that amounts shown in the statement as expended have been expended by the State and that the expenditure has been in accordance with this Act.

12.—(1.) There is payable out of the Trust Account, in respect of each year during the period of five years that commenced on the first day of July, One thousand nine hundred and fifty-four, the sum of Eight hundred thousand pounds, which may, subject to this section, be expended by the Commonwealth on the construction, reconstruction, maintenance and repair of strategic roads, roads of access to Commonwealth property and other roads serving, or likely to serve, Commonwealth purposes. Expenditure
on strategic
roads.

(2.) An amount shall not be expended under this section on a strategic road unless—

- (a) the Minister approves the road as a strategic road; and
- (b) where the road forms part of the general road system of a State, the Minister is satisfied that the standard of construction or maintenance required by the Commonwealth is higher than that justified by the usual traffic.

13.—(1.) There is payable out of the Trust Account, in respect of each year during the period of five years that commenced on the first day of July, One thousand nine hundred and fifty-four, the sum of One hundred thousand pounds, which may be expended by the Commonwealth, as approved by the Minister, on the promotion of road safety practices throughout Australia. Road safety
practices.

(2.) The Minister may, in considering proposals for expenditure of the moneys referred to in the last preceding sub-section, have regard to any recommendations made to him by the Australian Road Safety Council.

14. The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters which by this Act are required or permitted to be prescribed, or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act. Regulations.

THE SCHEDULE.

Section 7.

AMOUNTS PAYABLE INTO THE TRUST ACCOUNT.

1. Sevenpence for each gallon of the goods entered for home consumption during each year of the period of five years that commenced on the first day of July, One thousand nine hundred and fifty-four, in respect of which the duties of customs specified in this paragraph are or were payable and collected, that is to say, the duties of customs payable and collected under Item 229 (c) or Item 229 (d) (2) in the Schedule to the *Customs Tariff* 1933-1954, or under either of those Items as amended or proposed to be amended, in respect of goods being—

- (a) petroleum and shale products, namely, naphtha, benzine, benzoline, gasoline, pentane, petrol and any other petroleum or shale spirit; or
- (b) turpentine substitutes.

2. Sevenpence for each gallon of the goods entered for home consumption during each year of that period of five years, in respect of which the duties of excise specified in this paragraph are or were payable and collected, that is to say, the duties of excise payable and collected under Item 11 in the Schedule to the *Excise Tariff* 1921-1953, or under that Item as amended or proposed to be amended, in respect of goods being—

- (a) petroleum or shale products, namely, petrol, benzine, benzoline, gasoline, naphtha, pentane and any other petroleum or shale spirits as described in that Item; or

THE SCHEDULE—*continued.*

(b) petroleum or shale distillates, namely, turpentine substitutes, but not including so much of any such goods as consists of goods upon which duties of customs referred to in paragraph 1 of this Schedule have been paid.

3. The goods specified in the foregoing provisions of this Schedule do not include goods for use in civil aircraft for the purposes of civil aviation.