

Commonwealth Aid Roads

No. 41 of 1969

An Act to Grant Financial Assistance to the States in
relation to Roads.

[Assented to 14 June 1969]

[Date of commencement 12 July 1969]

BE it enacted by the Queen's Most Excellent Majesty, the Senate, and
the House of Representatives of the Commonwealth of Australia,
as follows:—

Short title.

1. This Act may be cited as the *Commonwealth Aid Roads Act 1969*.

Interpretation.

2.—(1.) In this Act, unless the contrary intention appears—

“construction”, in relation to a road, includes—

- (a) the reconstruction of a road;
- (b) the bringing of a road to a higher standard; and
- (c) the acquisition of land for the purpose of constructing a road,

but does not include the maintenance of a road;

“maintenance” includes repair;

“road” includes—

- (a) a road sign;
- (b) traffic control equipment;
- (c) street lighting equipment;
- (d) a vehicular ferry; or
- (e) a bridge or tunnel for the use of pedestrians,

associated with a road;

“road planning and research” includes—

- (a) the investigation of transport by road in relation to other means of transport; and
- (b) research into road safety, the design of vehicles and the behaviour of road users;

“road works” means—

- (a) the construction of roads;
- (b) the maintenance of roads; and
- (c) the doing of anything in relation to roads that is for the time being approved by the Treasurer for the purposes of this definition,

and includes road planning and research;

“rural arterial road” means a rural road that is for the time being declared by the Minister to be a rural arterial road for the purposes of this Act;

“ rural road ” means a road or proposed road not in an urban area;

“ the Minister ” means the Minister of State for Shipping and Transport;

“ urban area ” means an area designated by the Commonwealth Statistician, for the purposes of the Census taken in the year One thousand nine hundred and sixty-six, as—

- (a) the Sydney Statistical Division;
- (b) the Melbourne Statistical Division;
- (c) the Brisbane Statistical Division;
- (d) the Adelaide Statistical Division;
- (e) the Perth Statistical Division;
- (f) the Hobart Statistical Division;
- (g) Urban Newcastle;
- (h) Urban Wollongong;
- (i) Urban Geelong;
- (j) Urban Launceston;
- (k) Urban Townsville;
- (l) Urban Ballarat;
- (m) Urban Gold Coast;
- (n) Urban Toowoomba;
- (o) Urban Rockhampton; or
- (p) Urban Bendigo;

“ urban arterial road ” means a road or proposed road in an urban area that is for the time being declared by the Minister to be an urban arterial road, or urban sub-arterial road, for the purposes of this Act;

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

(2.) An amount paid by a State to a municipal, shire or other local authority for a particular purpose shall, for the purposes of this Act, be deemed to have been expended by the State for that purpose, and an amount set aside by a State for payment to a municipal, shire or other local authority for a particular purpose shall, for the purposes of this Act, be deemed to have been set aside by the State for expenditure for that purpose.

(3.) For the purposes of this Act, moneys paid or credited by a State to a trust account or other account in the Treasury of the State shall not be taken, by reason only of their having been so paid or credited, to have been expended by the State.

(4.) Without extending or restricting, by implication, the amounts that, for the purposes of this Act, may be treated as amounts expended, or set aside for expenditure, by a State on the construction of roads or on the maintenance of roads, an amount expended, or set aside for expenditure, by a State on the construction or maintenance of an office building used or to be used in or in connexion with road works shall be treated as an

amount expended, or set aside for expenditure, on the construction of roads or on the maintenance of roads, as the case may be, only if the building is situated at or adjacent to the site of operations being carried out, or to be carried out, in connexion with the construction of a road or the maintenance of a road, as the case may be, and is for use in those operations.

(5.) An amount or a part of an amount expended, or set aside for expenditure, by a State on the purchase of road-making plant may, if the State so elects, be treated, for the purposes of this Act, as an amount expended or set aside for expenditure, as the case may be—

- (a) on the construction of urban arterial roads;
- (b) on the construction of rural arterial roads;
- (c) on the construction and maintenance of rural roads, other than rural arterial roads; or
- (d) on other road works.

(6.) A reference in this Act to a Schedule by number shall be read as a reference to the Schedule to this Act so numbered.

Principal grants.

3.—(1.) There is payable to the States in respect of each year specified in the following table, for the purpose of financial assistance, the amount specified opposite to that year in that table:—

	\$
Year commencing 1st July, 1969 ..	180,000,000
Year commencing 1st July, 1970 ..	205,000,000
Year commencing 1st July, 1971 ..	235,000,000
Year commencing 1st July, 1972 ..	270,000,000
Year commencing 1st July, 1973 ..	310,000,000
	1,200,000,000

(2.) An amount payable to the States under the last preceding subsection in respect of a year shall be divided amongst the States in accordance with the First Schedule, and payments in respect of that year shall, subject to this Act, be made to each State accordingly.

Purposes for which principal grants to be expended.

4.—(1.) Each State shall, out of moneys paid to it under the last preceding section in respect of a year, expend on the construction of urban arterial roads an amount equal to the amount that is applicable to the State in respect of that year in accordance with the Second Schedule.

(2.) Each State shall, out of moneys paid to it under the last preceding section in respect of a year, expend on the construction of rural arterial roads an amount equal to the amount that is applicable to the State in respect of that year in accordance with the Third Schedule.

(3.) Each State shall, out of moneys paid to it under the last preceding section in respect of a year, expend on the construction and maintenance

of rural roads, other than rural arterial roads, an amount equal to the amount that is applicable to the State in respect of that year in accordance with the Fourth Schedule.

(4.) Each State shall, out of moneys paid to it under the last preceding section in respect of a year, expend on road planning and research for the time being approved by the Minister an amount equal to the amount that is applicable to the State in respect of that year in accordance with the Fifth Schedule.

(5.) Where a State satisfies the Minister that—

(a) the amount specified in the Second Schedule, Third Schedule or Fourth Schedule in relation to the State in respect of a year is greater than the amount that the State will be able to expend, in accordance with this Act, for the purpose applicable to the amount under sub-section (1.), sub-section (2.) or sub-section (3.) of this section, respectively; and

(b) the inability of the State to so expend that amount is due to exceptional circumstances,

the Minister may direct that the amount so specified in that Schedule in relation to that State in respect of that year shall be deemed to be reduced by such amount as is specified by the Minister and that the amount specified in relation to the State in respect of that year in such other of the Second, Third and Fourth Schedules as he specifies shall be increased by a corresponding amount and, upon the Minister giving such a direction, this Act has effect as if those amounts had been respectively reduced and increased in accordance with the Minister's direction.

5.—(1.) This section applies to the States of South Australia, Western Australia and Tasmania. Supplementary grants.

(2.) In addition to the amounts payable under section 3 of this Act, there is payable to the States to which this section applies in respect of each year specified in the following table, for the purpose of financial assistance, the amount specified opposite to that year in that table:—

			\$
Year commencing 1st July, 1969	..	..	13,000,000
Year commencing 1st July, 1970	..	..	13,000,000
Year commencing 1st July, 1971	..	..	10,250,000
Year commencing 1st July, 1972	..	..	9,000,000
Year commencing 1st July, 1973	..	..	6,800,000
			52,050,000

(3.) An amount payable to the States to which this section applies under the last preceding sub-section in respect of a year shall be divided amongst the States in accordance with the Sixth Schedule, and payments in respect of that year shall, subject to this Act, be made to each of those States accordingly.

Purpose for which supplementary grants to be expended.

Periods within which grants are to be expended.

6. Moneys paid to a State under the last preceding section shall be expended on the construction and maintenance of roads.

7.—(1.) Moneys paid to a State under this Act in a year shall, during that year, be expended, or set aside for expenditure, by the State.

(2.) Moneys set aside by a State for expenditure in accordance with the last preceding sub-section shall be expended by the State during the period of eighteen months commencing on the first day of the year during which they are set aside or within such further period as the Treasurer, with the concurrence of the Minister, approves.

Expenditure by a State from its own resources.

8.—(1.) In this section, “ the quota ”, in relation to a State in respect of a year, means an amount that bears to the base amount applicable to the State in accordance with the Seventh Schedule the same proportion as the number of motor vehicles that were on register in the State on the thirty-first day of December in the year immediately preceding that year bears to the number of motor vehicles that were on register in the State on the thirty-first day of December, One thousand nine hundred and sixty-six.

(2.) Where the quota applicable to a State for a year in which amounts have been paid to the State under this Act exceeds the amount, or the aggregate of the amounts, that the State, during that year, has, from its own resources, expended, or set aside for expenditure, on road works, the State shall pay to the Commonwealth an amount equal to the excess or such lesser amount as the Treasurer determines.

(3.) Where the amount, or the aggregate of the amounts, that a State has, during a year, from its own resources, expended, or set aside for expenditure, on road works is greater than the quota applicable to the State for that year, that amount, or the aggregate of those amounts, as the case may be, shall, to the extent that it exceeds the quota, be deemed, for the purposes of the last preceding sub-section, to have been expended by the State during the next succeeding year.

(4.) For the purposes of this section, an amount set aside for expenditure during a year shall not be taken into account as an amount so set aside unless it is expended within a period of eighteen months commencing on the first day of that year.

(5.) For the purposes of this section, the number of motor vehicles that are on register in a State on the thirty-first day of December in a year shall be taken to be the number of vehicles that, according to statistics last published by the Commonwealth Statistician before the next following thirty-first day of December, are the number of motor vehicles on register in that State on that first-mentioned day.

(6.) For the purposes of this section, an amount expended, or set aside for expenditure, by a State in payment of interest on moneys borrowed by the State and expended by the State on road works may be treated as an amount expended, or set aside for expenditure, by the State on road works.

9.—(1.) In addition to the conditions specified in any other provision of this Act, payment of an amount to a State under this Act in respect of a year is subject to the condition that the State will submit to the Minister—

Statements of
expenditure,
&c., to be
furnished.

- (a) as soon as practicable after the thirtieth day of June in that year, a statement, in accordance with a form approved by him, as to the expenditure by the State during that year out of that amount and as to any sum set aside during that year out of that amount for expenditure by the State but not expended during that year;
- (b) as soon as practicable after the thirty-first day of December in the next succeeding year, a statement, in accordance with a form so approved, as to the expenditure by the State during the period of six months ended on that date out of any sum set aside but not expended as mentioned in the last preceding paragraph;
- (c) if the Minister so directs, as soon as practicable after such date as the Minister specifies, a statement in writing setting out such other information in relation to amounts shown in statements submitted under the last two preceding paragraphs to have been expended or set aside for expenditure, or such other information in relation to the operation of this Act in respect of the State, as the Minister specifies; and
- (d) if the Minister so directs, a certificate by the Auditor-General of the State verifying such of the contents of statements referred to in any of the preceding paragraphs of this sub-section as the Minister specifies.

(2.) In addition to the conditions specified in any other provision of this Act, payment of an amount to a State under this Act in respect of a year is subject to the condition that the State will submit to the Treasurer—

- (a) as soon as practicable after the thirtieth day of June in that year, a statement, in accordance with a form approved by him, as to amounts expended on road works by the State from its own resources during that year and as to any sum set aside during that year for expenditure by the State from its own resources on road works but not expended during that year;
- (b) as soon as practicable after the thirty-first day of December in the next succeeding year, a statement, in accordance with a form so approved, as to amounts expended on road works by the State from its own resources during the period of six months ended on that date out of any sum set aside but not expended as mentioned in the last preceding paragraph;
- (c) if the Treasurer so directs, as soon as practicable after such date as the Treasurer specifies, a statement in writing setting out such other information in relation to amounts shown in statements submitted under the last two preceding paragraphs to have been expended or set aside for expenditure as the Treasurer specifies; and

(d) if the Treasurer so directs, a certificate by the Auditor-General of the State verifying such of the contents of statements referred to in any of the preceding paragraphs of this sub-section as the Treasurer specifies.

(3.) An amount shown in a statement as mentioned in paragraph (b) of sub-section (1.) of this section, or in paragraph (b) of the last preceding sub-section, as having been expended during the period referred to in the paragraph shall not be shown to have been expended in any succeeding statement furnished by a State under either of those sub-sections.

Conditions as
to repayment.

10. In addition to the conditions specified in any other provision of this Act, payment of an amount to a State under this Act is subject to the following conditions:—

- (a) that, if the Treasurer of the Commonwealth informs the Treasurer of the State that he is satisfied that the amount paid to the State under this Act exceeds the amount properly payable, the State will repay to the Commonwealth the amount of the excess or such lesser sum as the Treasurer of the Commonwealth determines;
- (b) that, if the Minister informs the Treasurer of the State that he is satisfied that the State has failed to comply with the conditions applicable to that amount, the State will repay to the Commonwealth such sum as the Minister determines, being a sum not exceeding the amount in respect of which the Minister is so satisfied; and
- (c) that the Treasurer of the Commonwealth may deduct any sum repayable under either of the last two preceding paragraphs from an amount payable by the Commonwealth to the State.

Advances.

11. The Treasurer may, at such times as he thinks fit, make advances of such amounts as he thinks fit to a State on account of an amount that may become payable under this Act to the State.

Approvals, &c.,
of the
Treasurer or
Minister.

12. An approval, declaration, direction or determination of the Treasurer or the Minister under this Act shall be given or made by instrument in writing.

Appropriation.

13. Payments under this Act shall be made out of the Consolidated Revenue Fund, which is appropriated accordingly.

THE SCHEDULES

FIRST SCHEDULE

Section 3.

DIVISION OF PRINCIPAL GRANTS AMONGST STATES

State	Year commencing 1st July 1969	Year commencing 1st July 1970	Year commencing 1st July 1971	Year commencing 1st July 1972	Year commencing 1st July 1973	Total
	\$	\$	\$	\$	\$	\$
New South Wales	57,060,000	64,980,000	74,500,000	85,590,000	98,270,000	380,400,000
Victoria ..	38,160,000	43,460,000	49,820,000	57,240,000	65,720,000	254,400,000
Queensland ..	34,740,000	39,560,000	45,360,000	52,110,000	59,830,000	231,600,000
South Australia	18,000,000	20,500,000	23,500,000	27,000,000	31,000,000	120,000,000
Western Australia	23,940,000	27,270,000	31,250,000	35,910,000	41,230,000	159,600,000
Tasmania ..	8,100,000	9,230,000	10,570,000	12,150,000	13,950,000	54,000,000
Total ..	180,000,000	205,000,000	235,000,000	270,000,000	310,000,000	1,200,000,000

SECOND SCHEDULE

Section 4 (1).

AMOUNTS OF PRINCIPAL GRANTS TO BE EXPENDED ON URBAN ARTERIAL ROADS

State	Year commencing 1st July 1969	Year commencing 1st July 1970	Year commencing 1st July 1971	Year commencing 1st July 1972	Year commencing 1st July 1973	Total
	\$	\$	\$	\$	\$	\$
New South Wales	27,570,000	32,740,000	39,060,000	46,520,000	55,120,000	201,010,000
Victoria ..	21,260,000	25,330,000	30,300,000	36,170,000	42,950,000	156,010,000
Queensland ..	13,460,000	16,070,000	19,270,000	23,040,000	27,400,000	99,240,000
South Australia	7,780,000	9,450,000	11,500,000	13,940,000	16,760,000	59,430,000
Western Australia	7,780,000	9,680,000	12,030,000	14,830,000	18,090,000	62,410,000
Tasmania ..	2,980,000	3,610,000	4,370,000	5,290,000	6,340,000	22,590,000
Total ..	80,830,000	96,880,000	116,530,000	139,790,000	166,660,000	600,690,000

THIRD SCHEDULE

Section 4 (2).

AMOUNTS OF PRINCIPAL GRANTS TO BE EXPENDED ON RURAL ARTERIAL ROADS

State	Year commencing 1st July 1969	Year commencing 1st July 1970	Year commencing 1st July 1971	Year commencing 1st July 1972	Year commencing 1st July 1973	Total
	\$	\$	\$	\$	\$	\$
New South Wales	8,760,000	10,400,000	12,410,000	14,780,000	17,520,000	63,870,000
Victoria ..	2,420,000	2,880,000	3,440,000	4,110,000	4,870,000	17,720,000
Queensland ..	7,700,000	9,190,000	11,010,000	13,170,000	15,650,000	56,720,000
South Australia	1,790,000	2,170,000	2,650,000	3,210,000	3,850,000	13,670,000
Western Australia	2,970,000	3,710,000	4,610,000	5,690,000	6,930,000	23,910,000
Tasmania ..	1,430,000	1,730,000	2,100,000	2,550,000	3,060,000	10,870,000
Total ..	25,070,000	30,080,000	36,220,000	43,510,000	51,880,000	186,760,000

FOURTH SCHEDULE

Section 4 (3.).

AMOUNTS OF PRINCIPAL GRANTS TO BE EXPENDED ON RURAL ROADS
OTHER THAN ARTERIAL ROADS

State	Year commencing 1st July 1969	Year commencing 1st July 1970	Year commencing 1st July 1971	Year commencing 1st July 1972	Year commencing 1st July 1973	Total
	\$	\$	\$	\$	\$	\$
New South Wales	19,870,000	20,870,000	21,910,000	23,010,000	24,160,000	109,820,000
Victoria ..	13,910,000	14,600,000	15,330,000	16,100,000	16,910,000	76,850,000
Queensland ..	13,060,000	13,710,000	14,400,000	15,120,000	15,880,000	72,170,000
South Australia	8,160,000	8,570,000	9,000,000	9,450,000	9,920,000	45,100,000
Western Australia	12,830,000	13,470,000	14,140,000	14,850,000	15,590,000	70,880,000
Tasmania ..	3,570,000	3,750,000	3,940,000	4,130,000	4,340,000	19,730,000
Total ..	71,400,000	74,970,000	78,720,000	82,660,000	86,800,000	394,550,000

FIFTH SCHEDULE

Section 4 (4.).

AMOUNTS OF PRINCIPAL GRANTS TO BE EXPENDED ON PLANNING AND RESEARCH

State	Year commencing 1st July 1969	Year commencing 1st July 1970	Year commencing 1st July 1971	Year commencing 1st July 1972	Year commencing 1st July 1973	Total
	\$	\$	\$	\$	\$	\$
New South Wales	860,000	970,000	1,120,000	1,280,000	1,470,000	5,700,000
Victoria ..	570,000	650,000	750,000	860,000	990,000	3,820,000
Queensland ..	520,000	590,000	680,000	780,000	900,000	3,470,000
South Australia	270,000	310,000	350,000	400,000	470,000	1,800,000
Western Australia	360,000	410,000	470,000	540,000	620,000	2,400,000
Tasmania ..	120,000	140,000	160,000	180,000	210,000	810,000
Total ..	2,700,000	3,070,000	3,530,000	4,040,000	4,660,000	18,000,000

SIXTH SCHEDULE

Section 5.

DIVISION OF SUPPLEMENTARY GRANTS AMONGST STATES

State	Year commencing 1st July 1969	Year commencing 1st July 1970	Year commencing 1st July 1971	Year commencing 1st July 1972	Year commencing 1st July 1973	Total
	\$	\$	\$	\$	\$	\$
South Australia	3,000,000	3,000,000	2,000,000	1,000,000	..	9,000,000
Western Australia	9,000,000	9,000,000	8,000,000	8,000,000	6,800,000	40,800,000
Tasmania ..	1,000,000	1,000,000	250,000	..	..	2,250,000
Total ..	13,000,000	13,000,000	10,250,000	9,000,000	6,800,000	52,050,000

SEVENTH SCHEDULE

Section 8.

BASE AMOUNTS

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New South Wales	63,687,207
Victoria	48,317,786
Queensland	26,610,344
South Australia	12,909,533
Western Australia	..	..	..	..	..	11,279,257
Tasmania	..	..	..	..	..	6,062,323
