



ANNO SECUNDO

GEORGII VI REGIS.

A.D. 1938.

No. 2388.

An Act to provide for the constitution and application of a Highways Fund, and for purposes incidental thereto.

[Assented to 25th August, 1938.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

Short titles.

1. (1) This Act may be cited as the " Highways Act Amendment Act, 1938 ".

(2) The Highways Act, 1926-1937, as amended by this Act, may be cited as the " Highways Act, 1926-1938 ".

(3) The Highways Act, 1926-1937, is hereinafter referred to as " the principal Act ".

Commence-
ment.

2. This Act shall come into force on the first day of October, nineteen hundred and thirty-eight.

Amendment of
principal Act—

3. Sections 31 and 31a of the principal Act are repealed and the following section is enacted in lieu thereof :—

Highways
Fund.

31. (1) There shall be a Highways Fund which shall comprise all moneys paid into the Main Roads Fund before the commencement of the Highways Act Amendment Act, 1938, and all moneys paid into the Highways Fund as provided by this section.

(2) There shall be paid into the Highways Fund—

(a) any amounts paid by the Treasurer as provided by subsection (3) or subsection (4) :

(b) all moneys by any law of the State directed to be paid into the said fund or into the Main Roads Fund :

(c) any loans raised and appropriated for roads.

(3) The Treasurer shall, not less frequently than once in every three months, pay into the Highways Fund all amounts collected or received in respect of—

- (a) licence fees and registration fees under Part II. of the Road Traffic Act, 1934-1936 :
- (b) licence fees under Part III. of the Road Traffic Act, 1934-1936,

after deducting therefrom such amount as is sufficient during the financial year in which the said amounts are collected or received, to pay—

- (i.) the interest on the debit balance for the time being outstanding in the accounts of the Treasurer in respect of loans raised for roads and bridges ; and
- (ii.) the sinking fund payments payable by the State under the financial agreement ratified by the Financial Agreement Act, 1927, in respect of loans raised for roads and bridges ; and
- (iii.) to the Public Debt Commission for the purpose of the reduction and redemption of any loan raised after the first day of July, nineteen hundred and twenty-six, and appropriated to main roads (in addition to any other sum required by law to be paid for such purposes), such a sum as will amount to one and a quarter per centum of the principal for the time being of such loan ; and
- (iv.) the administrative expenses of the Highways and Local Government Department and the Motor Vehicles Department.

(4) The Treasurer may in any financial year advance out of the general revenue and pay into the said fund any sum not exceeding the amount which he anticipates will in that financial year be received or collected and be payable to the said fund as provided by subsection (3). In any such case, the sum so advanced shall be deducted from the amount to be paid during the said financial year into the said fund as provided by subsection (3).

(5) Any reference in any other Act to the Main Roads Fund shall be deemed to be a reference to the Highways Fund.

Amendment of
principal Act,
s. 32—
Application of
fund.

4. Section 32 of the principal Act is amended—

(a) by striking out paragraphs (e), (f) and (g) of subsection (1) thereof and by inserting in lieu thereof the following paragraphs :—

(e) in paying any grants to municipal and district councils pursuant to Part XVI. of the Local Government Act, 1934-1936 :

(f) in defraying the cost of any operations authorised by the Governor, upon the recommendation of the Commissioner, in connection with roads (other than main roads) and works appertaining to such roads, and in defraying the cost of any operations in connection with roads (other than main roads) and works appertaining to such roads which are being carried out by the Commissioner at the commencement of the Highways Act Amendment Act, 1938.

(b) by striking out subsection (2) thereof.

Consequential
amendments.

5. Sections 11, 16, 32, 33 and 34 of the principal Act are amended by striking out the words "Main Roads Fund" and the words "main roads fund" wherever they occur in the said sections and by inserting in lieu thereof in every case the words "Highways Fund".

Amendment of
principal Act,
s. 33—
Use of loan
money.

6. Section 33 of the principal Act is amended by striking out the word "main" in the third line thereof.

Consequential
amendments of
the Local
Government
Act, 1934-1936.

7. (1) Subsection (1) of section 299 of the Local Government Act, 1934-1936, is amended so as to read as follows :—

(1) The Governor may direct that in any financial year there shall be payable out of the Highways Fund established under the Highways Act, 1926-1938, an amount as grants to councils.

(2) Section 299 of the Local Government Act, 1934-1936, is amended by adding at the end thereof the following subsection :—

(4) All moneys received by any council pursuant to this section shall be expended by the council in defraying the cost of such operations in connection with roads (other than main roads) and works appertaining thereto as are approved by the Commissioner of Highways.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

W. DUGAN, Governor.