

MINISTER FOR EDUCATION—	£
Education Department	447,625
Tasmanian University	25,350
MINISTER FOR LANDS AND WORKS—	
Department of Public Works	54,570
Mines, Magazines, and Explosives	18,785
Miscellaneous (Minister for Works)	39,510
Lands and Surveys Department	19,015
Miscellaneous (Minister for Lands)	8,725
MINISTER FOR AGRICULTURE—	
Department of Agriculture	95,400
Miscellaneous (Minister for Agriculture)	77,145
PENSIONS	675
INTEREST	20,165
SINKING FUNDS, &C.	5,020
	<u>£1,668,900</u>

ROAD CONSTRUCTION (TRANSFER OF FUNCTIONS).

No. 22 of 1951.

AN ACT to make provision for the transfer from the Transport Commission to the Minister for Lands and Works of certain functions with respect to the construction and maintenance of roads; for the vesting and control of certain plant; and for matters incidental thereto; and to amend the *Roads and Jetties Act 1935* and the *Transport Act 1938*, and to repeal the *Road Construction Plant Act 1944*.
[18 May, 1951.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

Short title,
citation, and
commence-
ment.

1—(1) This Act may be cited as the *Road Construction (Transfer of Functions) Act 1951*.

(2) The *Roads and Jetties Act 1935**, as subsequently amended, is in this Act referred to as the Principal Act.

(3) This Act shall commence on the first day of July, 1951.

Interpre-
tation.

2 Section three of the Principal Act is amended:—

(a) by omitting the definition “Maintenance” and substituting therefor the following definitions:—

“‘Maintenance’, used in relation to—

I. A road, includes the reconstruction, improving, widening, diverting, altering, and repairing thereof: and

II. Any plant, includes the reconstruction, repair, improving, and up-keep thereof:

“‘Minister’ means the Minister for Lands and Works:”; and

(b) by inserting after the definition of “Motor taxes” the following definition:—

“‘Plant’ means plant (including vehicles and animals) for the construction or maintenance of roads, bridges, jetties, and aerodromes, and includes any land, workshop, building, fixture, machine, implement, tool, or other equipment, erected, purchased, or acquired for the purpose of the construction or maintenance of any plant, and any spare parts to be used in connection therewith:”.

3 After section three of the Principal Act the following sections are inserted in Part II:—

“ 4—(1) There shall be kept in the books of the Treasury a fund, to be called the State Highways Trust Fund (in this Part referred to as ‘the Fund’).

(2) There shall be credited to the Fund—

I. All moneys received by the State from the Commonwealth under the Commonwealth Act intituled the *Commonwealth Aid Roads Act 1950†*, as amended from time to time, or under any Act passed in substitution for that Act:

State High-
ways Trust
Fund.

* 26 Geo. V. No. 82. For this Act, as amended to 1936, see Reprint of Statutes, Vol. VI., p. 463. Subsequently amended by 2 & 3 Geo. VI. No. 70, 4 Geo. VI. No. 51, 5 Geo. VI. No. 13, 8 Geo. VI. No. 4, 9 Geo. VI. No. 27, 11 Geo. VI. No. 74, and No. 22 of 1949. See also 7 & 8 Geo. VI. No. 73.

† No. 47 of 1950 (C th).

- II. A sum equal to the total amount of all motor taxes collected in each financial year and paid to the Treasurer as provided by this section:
- III. A sum equal to the net amount of all moneys received by the Transport Commission in each financial year by way of—
- (a) Registration fees in respect of motor vehicles and cycles:
 - (b) Licensing fees for drivers and conductors of motor vehicles: and
 - (c) Fees payable in connection with the renewal or transfer of registrations and licences, pursuant to the *Traffic Act 1925** and paid to the Treasurer as provided by this section, after the deduction therefrom of the prescribed costs and expenses:
- IV. A sum equal to the total amount of all revenue derived in each financial year from the use and operation of any jetty the control and management of which are vested in the Transport Commission under Part V.:
- V. All contributions paid to the Minister pursuant to section nine:
- VI. All moneys received by the Minister in respect of the sale or disposal of any stores or materials (other than plant) pursuant to section seventeen:
- VII. All moneys paid to the Minister by the council of any municipality pursuant to any agreement under paragraph (a) of subsection (5) of section eighteen:
- VIII. Any moneys provided by Parliament for the purposes of the Fund: and
- IX. Such other moneys (if any) as the Treasurer may direct to be credited to the Fund.
- (3) The Transport Commission shall, as and when directed by the Treasurer, pay to the Treasurer, to the credit of the Consolidated Revenue—
- I. All moneys received by it in each financial year by way of—
 - (a) Motor taxes; and
 - (b) Revenue derived from the source mentioned in paragraph IV. of subsection (2) of this section; and
 - II. The net amount of all moneys received by it in each financial year by way of fees of any kind mentioned in paragraph III. of that subsection, after the deduction therefrom of the prescribed costs and expenses.

* 16 Geo. V. No. 38. For this Act, as amended to 1936, see Reprint of Statutes, Vol. VI., p. 1042. Subsequently amended by 2 & 3 Geo. VI. No. 70, 7 Geo. VI. No. 28, 11 Geo. VI. No. 54, and No. 69 of 1949.

(4) The sums referred to in paragraphs II., III., and IV. of subsection (2) of this section shall, as soon as practicable after the receipt thereof by the Treasurer, be paid into the Fund by the Treasurer out of the Consolidated Revenue (which to the necessary extent is hereby appropriated accordingly).

(5) The balance of all moneys standing to the credit of the accounts known as the Road Account and the Commonwealth Aid Roads and Works Account in the books of the Transport Commission on the thirtieth day of June, 1951, less the sum of £10,000, shall, forthwith after the commencement of this section, be paid by the Commission to the credit of the Fund.

(6) If the Treasurer directs that any moneys received by the Transport Commission after the commencement of this section which, if they had been received before the commencement thereof, would have been credited to the Road Account in the books of the Commission, are to be paid to the credit of the Fund, the Commission shall, as and when directed by the Treasurer, pay those moneys to the Treasurer to the credit of the Fund.

(7) In this section the expression 'prescribed costs and expenses' means—

I. The costs of collection by the Transport Commission of—

- (a) Motor taxes:
- (b) Fees of any kind mentioned in paragraph III. of subsection (2) of this section: and
- (c) The revenue derived from the source mentioned in paragraph IV. of that subsection:

II. The costs and expenses incurred by the Commission in or in connection with the control of, and the provision of facilities for, motor traffic: and

III. All sums paid by the Commission by way of refunds of motor taxes pursuant to subsection (5) of section four of the *Motor Vehicles Tax Act 1917** and all payments required to be made by the Commission by way of rebates for the purposes of section nine of that Act.”.

Application
of Fund.

“ 5—(1) There shall be debited to the Fund—

I. All costs and expenses (including the costs of supervision) incurred in or in connection with the construction and maintenance of State highways and subsidiary roads in accordance with the provisions of this Act:

II. All costs and expenses (including the costs of supervision) incurred in or in connection with the maintenance of country roads pursuant to subsection (5) of section eighteen, and all payments made to councils by the Minister pursuant to that subsection:

* 8 Geo. V. No. 30. For this Act, as amended to 1936, see Reprint of Statutes. Vol. VI., p. 905. Subsequently amended by 2 Geo. VI. No. 74 and 3 Geo. VI. Nos. 3 and 31.

- III. All sums payable out of the Fund pursuant to subsection (2) of this section:
- IV. All sums required for expenditure, in accordance with any of the provisions of the *Commonwealth Aid Roads Act 1950**, as amended from time to time, or of any Act passed in substitution for that Act, for any purpose for which those sums are, by virtue of that Act, required or permitted to be expended:
- V. All costs and expenses incurred by the Minister in or in connection with the purchase, acquisition, or hiring of stores and materials (other than plant) pursuant to section seventeen: and
- VI. All costs and expenses incurred by the Minister in or in connection with the repair or renewal of bridges pursuant to section twenty.

(2) Upon the council of any of the municipalities of Bruny, Flinders, or King Island, respectively, satisfying the Minister that the council, within the immediately preceding financial year, has expended upon the roads within its municipality a sum not less than the total amount of the motor taxes collected in the municipality during that financial year, the Minister shall pay to the council a sum equal to ninety-eight per cent of that total amount.

(3) A statement of the expenditure out of the Fund shall be submitted annually to Parliament by the Treasurer.

"6—(1) There shall be kept in the books of the Treasury an account, to be called the Road Construction Plant Suspense Account (in this Act referred to as 'the Account').

Road Construction
Plant
Suspense
Account.

(2) All moneys standing to the credit of the Road Construction Plant Account in the books of the Transport Commission on the thirtieth day of June, 1951, shall, forthwith after the commencement of this section, be paid by the Commission to the credit of the Account.

(3) There shall also be credited to the Account—

- I. All moneys paid to the Minister in respect of the use, hire, sale, or disposal of any plant vested in the Minister by section ten of the *Road Construction (Transfer of Functions) Act 1951* or purchased or acquired by the Minister for the purposes of this Act: and
- II. Such amounts (including provision for wages, stores, and transport) as the Minister thinks reasonable in respect of—

(a) The use of any such plant in connection with the—

- (i) Construction and maintenance of State highways, subsidiary roads, and country roads, in accordance with the provisions of this Act: and
 - (ii) Execution, carrying out, construction, and maintenance of any public works authorised by Parliament: and
- (b) The insurance, maintenance, depreciation, and other charges in connection with the use of any such plant, and all amounts so credited to the Account shall be debited to the costs of the State highways, subsidiary roads, country roads, and public works, in connection with which the plant is used.
- (4) There shall be debited to the Account—
- I. All costs incurred in connection with the operation, maintenance and insurance of plant vested in the Minister by section ten of the *Road Construction (Transfer of Functions) Act 1951* or purchased or acquired by him for the purposes of this Act: and
 - II. All costs and expenses incurred by the Minister in connection with the replacement, renewal, or hire of plant for the purposes of this Act.”.

4 Section seventeen of the Principal Act is repealed and the following section is substituted therefor:—

“17—(1) The Minister may—

- I. Purchase or acquire such plant, and such stores and materials (other than plant) as he may consider necessary for the purposes of this Act, and maintain in good condition any such plant, stores, and materials and all other plant, stores, and materials at the disposal of the Minister for the purposes of this Act: and
- II. Hire from any person any plant which he considers necessary for the purposes of this Act.

(2) Subject to subsection (3) of this section, the Minister may let on hire or sell or otherwise dispose of any such plant, stores, or materials to any person upon such terms and conditions as he may think fit.

(3) Nothing in subsection (2) of this section shall be construed as authorising the Minister to sell or dispose of any land otherwise than in accordance with the law relating thereto.”.

5 Section twenty of the Principal Act is amended by omitting from paragraph 1. thereof the words "wholly provided out of moneys to be voted by Parliament for the general purposes of renewals and repairs of bridges" and substituting therefor the words "borne by the Minister".

How cost of repairs to bridges to be borne.

6 The sections of the Principal Act which are specified in the first column of the first schedule to this Act are amended as respectively specified in the second column of that schedule.

Consequential amendments of the Principal Act.

7 Section thirty-seven of the *Transport Act 1938** is repealed and the following section is substituted therefor:—

"37. All works authorised by the Commission to be effected under or for the purposes of Part V. or Part VA. of the *Roads and Jetties Act 1935†* shall be constructed, carried out, and effected by the Director of Public Works."

Certain works to be carried out by the Director of Public Works.

8—(1) Sections seventeen and thirty-eight of the *Transport Act 1938** are repealed.

Consequential amendments of the Transport Act 1938.

(2) The sections of the *Transport Act 1938** which are specified in the first column of the second schedule to this Act are amended as respectively specified in the second column of that schedule.

(3) Notwithstanding anything contained in the *Transport Act 1938**, no interest shall be payable by the Transport Commission in respect of the moneys voted for the purposes specified in the third schedule to this Act, or on any part of those moneys, after the thirtieth day of June, 1951, and, for the purposes of the first-mentioned Act, those moneys shall be deemed to have been repaid by the Commission to the State on that day.

9 The *Road Construction Plant Act 1944‡* is repealed.

Repeal of the Road Construction Plant Act 1944.

10—(1) All plant and other goods (other than land) vested in the Commission by virtue, or acquired by the Commission under the authority, of section three of the *Road Construction Plant Act 1944‡*, as appearing in the accounts and records of the Commission on the thirtieth day of June, 1951, shall, on the commencement of this Act, forthwith vest in and become the absolute property of the Minister, on behalf of His Majesty, freed and discharged from all mortgages, liens, charges, claims, and demands whatsoever, and shall be held and used by the Minister subject to, and for the purposes of, the Principal Act, or for the execution of any public work authorised by Parliament.

Transitory provisions.

* 2 & 3 Geo. VI. No. 70. For this Act, as amended to 1949, see Appendix D to the annual volume of the Statutes for 1949.

† 26 Geo. V. No. 82. For this Act, as amended to 1936, see Reprint of Statutes, Vol. VI., p. 463. Subsequently amended by 2 & 3 Geo. VI. No. 70, 4 Geo. VI. No. 51, 5 Geo. VI. No. 13, 8 Geo. VI. No. 4, 9 Geo. VI. No. 27, 11 Geo. VI. No. 74, and No. 22 of 1949. See also 7 & 8 Geo. VI. No. 73.

‡ 7 & 8 Geo. VI. No. 73, as amended by No. 69 of 1949.

(2) Within two months after the commencement of this Act, the Commission shall do all such acts and things, and execute all such instruments, as may be necessary or as the Minister may require for the surrender to, and re-vesting in, His Majesty, of all land vested in the Commission by virtue of section three of the *Road Construction Plant Act 1944** or purchased or acquired by the Commission under the authority, or for the purposes, of that Act, and upon the re-vesting of the land in His Majesty it shall be deemed to be vested in him for the purposes of the Principal Act as if it were land which had been acquired for such purposes by the Minister under the *Lands Resumption Act 1910†*.

(3) If any person (other than the Commission) suffers any loss, injury, or damage by reason of the operation of this section, he shall be entitled to be paid such compensation as may be agreed upon between that person and the Minister or in default of agreement as may be determined by arbitration in accordance with the provisions of the *Arbitration Act 1892‡*, and that Act shall apply to the arbitration as if the arbitration were pursuant to a submission under that Act.

(4) If any doubt or difficulty arises in relation to any of the matters specified in this section, or if, in the opinion of the Governor, this section omits to make adequate provision for any matter or thing necessary to be provided for in relation to any such matter or any question arising therefrom or incidental thereto, the Governor, by order-in-council published in the *Gazette*, may make such provision as he thinks just and reasonable in the circumstances for the purpose of removing the doubt or difficulty, or rectifying the omission, or determining the question, and, upon being so published, the order-in-council shall have effect as if it had been enacted in this Act; but the power conferred upon the Governor by this subsection shall not be exercised after the expiration of six months after the commencement of this Act.

(5) In this section—

“Commission” means the Transport Commission, constituted under the *Transport Act 1938§*;

“Minister” means the Minister for Lands and Works.

* 7 & 8 Geo. VI. No. 73, as amended by No. 69 of 1949.

† 1 Geo. V. No. 11. For this Act, as amended to 1936, see Reprint of Statutes, Vol. VI, p. 5. Subsequently amended by 4 Geo. VI. No. 11, 8 Geo. VI. No. 12, and 9 & 10 Geo. VI. No. 59.

‡ 56 Vict. No. 8. For this Act, as amended to 1936, see Reprint of Statutes, Vol. I, p. 150.

§ 2 & 3 Geo. VI. No. 70. For this Act, as amended to 1949, see Appendix D to the annual volume of the Statutes for 1949.

THE FIRST SCHEDULE.

(Section 6.)

CONSEQUENTIAL AMENDMENTS OF THE PRINCIPAL ACT.

FIRST COLUMN. Section Amended.	SECOND COLUMN. How Amended.
7	(a) By omitting from subsection (1) the words "on the recommendation of the Transport Commission".
	(b) By omitting from the proviso to subsection (3) the words "Transport Commission" and substituting therefor the words "Director of Public Works".
8	(a) By omitting from subsections (1) and (2) the words "Transport Commission" and substituting therefor (in each case) the word "Minister".
	(b) By omitting from subsection (2) the word "it" and substituting therefor the word "he".
	(c) By omitting subsection (3).
9	(a) By omitting the words "Transport Commission" (wherever occurring) and substituting therefor the word "Minister".
	(b) By omitting from subsection (3) the words "the Commission" and substituting therefor the words "His Majesty".
12	(a) By omitting the words "Transport Commission" (wherever occurring) and substituting therefor (in each case) the word "Minister".
	(b) By omitting from subsection (2) the word "Commission" and substituting therefor the word "Minister".
18	(a) By omitting from subsection (5) the words "Transport Commission" and substituting therefor the word "Minister"; and by omitting from that subsection the word "Commission" (twice occurring) and substituting therefor (in each case) the word "Minister".
	(b) By omitting from subsection (5) the word "it" and substituting therefor the word "he".

THE SECOND SCHEDULE.

(Section 8.)

CONSEQUENTIAL AMENDMENTS OF THE TRANSPORT ACT 1938.

FIRST COLUMN. Section Amended.	SECOND COLUMN. How Amended.
9	By omitting sub-paragraph (c) of paragraph VII. of subsection (1) and substituting therefor the following sub-paragraph:— "(c) Parts V. and VA. of the <i>Roads and Jetties Act 1935</i> , upon the Commission: and".
10	By inserting the words "provisions of Parts V. and VA. of the", after the word "The", in paragraph III. of subsection (1).
19	(a) By omitting paragraphs II., III., IV., V., VII., and VIII. of subsection (1).
	(b) By omitting paragraph I. of subsection (2).
	(c) By omitting subsection (3).
28	By omitting paragraph II.

THE THIRD SCHEDULE.

(Section 8.)

Year and Number of Act.	Item.	Purpose for Which Moneys Voted.	Amount Voted.
11 Geo. VI. No. 64	Second Schedule: Item "Roads and Plant"	Purchase of road-making plant and equipment	£ 60,000
		Spare parts and maintenance equipment for stock.	25,000
No. 35 of 1948 ..	Second Schedule: Item 15	North-South Bruny Road connection	25,230
No. 65 of 1948 ..	Second Schedule: Item 53 Item 54 Item 55 Item 56	Purchase of plant	55,000
		Building construction	7,500
		Reconstruction, Ridgley Road	34,000
		Bridge renewals generally	49,000

EXPIRING LAWS CONTINUANCE.

No. 23 of 1951.

AN ACT to continue certain expiring Laws.
[18 May, 1951.]

PREAMBLE.

Cf. No. 74 of 1950.

WHEREAS the Acts mentioned in the schedule to this Act are, in so far as they are in force and are temporary in their duration, limited to expire on the thirtieth day of June, One thousand nine hundred and fifty-one:

And whereas it is expedient to provide for the continuance, as in this Act mentioned, of those Acts and of the enactments amending or affecting the same:

Be it therefore enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

Short title.

1 This Act may be cited as the *Expiring Laws Continuance Act 1951*.