



# **Australian Land Transport (Financial Assistance) Act 1985**

**No. 59 of 1985**

## **TABLE OF PROVISIONS**

### **PART I—PRELIMINARY**

#### **Section**

1. Short title
2. Commencement
3. Interpretation
4. Declaration of national highways and developmental roads
5. Declaration of urban arterial roads and rural arterial roads
6. Declaration of interstate mainline railways
7. Declaration of approved railway authorities
8. Declaration of approved research organizations and approved road safety organizations
9. Standards for national roads
10. Money deemed to have been expended on national roads projects

### **PART II—AUSTRALIAN LAND TRANSPORT TRUST FUND**

11. Australian Land Transport Trust Fund
12. Money to be paid into Fund
13. Special provisions for 1985-1986 financial year
14. Re-calculation of relevant rate at end of 1985-1986 financial year
15. Indexation of relevant rate
16. Application of Fund
17. Limit of allocations for financial years 1985-1986 and 1986-1987
18. Limit of allocations for financial years 1987-1988, 1988-1989 and 1989-1990
19. Minister to allocate balance of funds for expenditure after 30 June 1987
20. Variation of percentages for arterial roads and local roads at request of State
21. Minister may re-allocate funds for national roads, road safety and research
22. Increase of funds for national roads, road safety and research
23. Time and manner of payments
24. Condition of payment
25. Closing of Fund

**TABLE OF PROVISIONS- *continued***

**PART III— APPROVAL OF PROJECTS AND PROGRAMS**

**Section**

- 26. Approval of projects and programs
- 27. Variation of projects, & c.
- 28. Allocations of Fund to local government bodies

**PART IV—CONDITIONS OF PAYMENTS**

- 29. Minister may require information to be furnished
- 30. Statements of expenditure, & c., to be furnished
- 31. Condition relating to expenditure of moneys paid out of Fund
- 32. Additional conditions with respect to approved projects and programs

**PART V—MISCELLANEOUS**

- 33. Deduction of amounts repayable
- 34. Moneys repaid to Commonwealth
- 35. Appropriation
- 36. Delegations
- 37. Publication of declarations and directions

**SCHEDULE 1**

**LIMIT OF ALLOCATIONS FOR URBAN ARTERIAL ROADS**

**SCHEDULE 2**

**LIMIT OF ALLOCATIONS FOR RURAL ARTERIAL ROADS**

**SCHEDULE 3**

**LIMIT OF ALLOCATIONS FOR LOCAL ROADS**



# **Australian Land Transport (Financial Assistance) Act 1985**

**No. 59 of 1985**

---

---

**An Act to establish a Trust Fund for the purposes of the grant of financial assistance for expenditure in relation to land transport, and for related purposes**

*[Assented to 4 June 1985]*

BE IT ENACTED by the Queen, and the Senate and the House of Representatives of the Commonwealth of Australia, as follows:

## **PART I—PRELIMINARY**

### **Short title**

1. This Act may be cited as the *Australian Land Transport (Financial Assistance) Act 1985*.

### **Commencement**

2. This Act shall come into operation on the day on which it receives the Royal Assent.

### **Interpretation**

3. (1) In this Act, unless the contrary intention appears—  
“approved organization” means—

(a) an approved research organization; or

(b) an approved road safety organization;

“approved railway authority” means an authority in respect of which a declaration under section 7 is in force;

“approved research organization” means an organization in respect of which a declaration under sub-section 8 (1) is in force;

“approved road safety organization” means an organization in respect of which a declaration under sub-section 8 (2) is in force;

“arterial road” means—

(a) an urban arterial road; or

(b) a rural arterial road;

“capital railway project” means a project by way of capital expenditure in relation to an interstate mainline railway, and includes—

(a) the construction of an interstate mainline railway; or

(b) the acquisition of rolling stock for use on an interstate mainline railway;

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

(a) the reconstruction or realignment of the railway or road;

(b) the bringing of the railway or road to a higher standard;

(c) investigation and associated engineering studies in connection with—

(i) the construction, reconstruction or realignment of the railway or road;

(ii) the bringing of the railway or road to a higher standard;  
or

(iii) the planning of alternative routes for the railway or road;

(d) the acquisition of land for the purpose of—

(i) constructing, reconstructing or realigning the railway or road; or

(ii) bringing the railway or road to a higher standard; and

(e) the doing of any other thing in relation to a matter specified in paragraph (a) or (b) approved by the Minister, in writing, for the purposes of this definition,

but does not include the maintenance of the railway or road;

“developmental road” means a road, or proposed road, in respect of which a declaration under sub-section 4 (3) is in force;

“Fund” means the Australian Land Transport Trust Fund established by sub-section 11 (1);

“government authority” means—

(a) a local government body;

(b) an authority of a State, being an incorporated body but not being a local government body, that is responsible for—

- (i) the construction or maintenance of roads in, or in an area of, the State; or
- (ii) the provision of railway services over a railway in the State;

“interstate mainline railway” means a railway, or a proposed railway, in respect of which a declaration under section 6 is in force;

“local road” means—

- (a) a road that is not a national road or an arterial road; or
- (b) a path for the use of persons riding bicycles, being a path that is not associated with a road;

“maintenance”, in relation to a road, includes the repair of the road;

“national highway” means a road or proposed road in respect of which a declaration under sub-section 4 (1) or (2) is in force;

“national road” means a national highway or a developmental road;

“organization” includes an association, authority, body or institution, whether incorporated or unincorporated, and whether or not constituting or forming part of a Department of State of the Commonwealth or of a State;

“railway” includes—

- (a) railway signs;
- (b) railway control equipment;
- (c) railway lighting equipment;
- (d) a bridge or tunnel associated with a railway, including a bridge or tunnel for the use of pedestrians;
- (e) any other thing associated with a railway approved by the Minister in writing for the purposes of this definition;

“relevant rate” means 3.66 cents per litre;

“road” includes—

- (a) a traffic sign;
- (b) traffic control equipment;
- (c) street lighting equipment;
- (d) a vehicular ferry;
- (e) a bridge or tunnel, including a bridge or tunnel for the use of pedestrians;
- (f) a path for the use of persons riding bicycles;
- (g) a ramp provided to facilitate the launching of boats;
- (h) vehicular access from a road to a ramp referred to in paragraph (g); or
- (j) any other thing approved by the Minister in writing for the purposes of this definition,

associated with a road;

“rural arterial road” means a road, or proposed road, in respect of which a declaration under sub-section 5 (2) is in force;

“State” includes the Northern Territory;

“urban area” means an area designated for the purposes of the Census taken in the year 1976 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) the Darwin Statistical Division;
- (h) the Newcastle Statistical District;
- (j) the Wollongong Statistical District;
- (k) the Geelong Statistical District;
- (m) Urban Ballarat;
- (n) Urban Bendigo;
- (o) Urban Townsville;
- (p) Urban Toowoomba;
- (q) Urban Gold Coast;
- (r) Urban Rockhampton; or
- (s) Urban Launceston;

“urban arterial road” means a road, or a proposed road, in respect of which a declaration under sub-section 5 (1) is in force.

(2) An amount paid by a State to a government authority for a particular purpose and expended by that authority for that purpose shall, for the purposes of this Act, be deemed to have been expended by the State for that purpose.

(3) For the purposes of this Act, where an amount is expended by a State or a government authority by way of the payment of wages and an amount of tax is paid by the State or the authority (whether by way of a payment of moneys, the crediting of an account or otherwise) on those wages, being a tax imposed by a law of the State upon employers on wages paid by them, the amount of tax shall be deemed to be a part of those wages.

(4) In sub-section (3), “wages” includes payments in the nature of wages.

(5) Subject to sub-section (3), for the purposes of this Act, money 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 it having been so paid or credited, to have been expended by the State.

(6) Where an approved organization is, or is part of, a Department of State of a State—

- (a) a reference in this Act to the payment of an amount out of the Fund to the approved organization is a reference to the payment of the amount out of the Fund to the State by way of the grant of financial assistance;
- (b) a reference in this Act to expenditure by the approved organization is a reference to expenditure by the State; and
- (c) a reference in this Act to an act or thing done or to be done by the organization arising out of such a payment or expenditure is a reference to an act or thing done or to be done by the State arising out of such a payment or expenditure.

(7) For the purposes of this Act, a notification or request shall be taken to have been given to a State if it is given to the appropriate Minister of the State.

(8) A direction under section 20, 21 or 22 may specify a percentage to be ascertained in accordance with the formula  $\frac{A}{B} \times 100$  where—

- A** is the number of whole dollars in an amount specified in the direction; and
- B** is the number of whole dollars in the amount paid into the Fund otherwise than under section 34 during a period specified in the direction (including a period ending after the direction is given).

(9) Unless the contrary intention appears—

- (a) a reference in this Act to a road includes a reference to a part of a road; and
- (b) a reference in this Act to a railway includes a reference to a part of a railway.

#### **Declaration of national highways and developmental roads**

4. (1) The Minister may declare a road in a State that constitutes, or a proposed road in a State that would, if constructed, constitute, a part of the road that, in the opinion of the Minister, is or will be the principal road linking—

- (a) 2 or more State capital cities;
- (b) a State capital city and Canberra;
- (c) Brisbane and Cairns; or
- (d) Hobart and Burnie,

to be a national highway for the purposes of this Act.

(2) The Minister may declare a road in a State that constitutes, or a proposed road in a State that would, if constructed, constitute, a road that should, in the opinion of the Minister, be treated, by reason of its national importance, as a national highway for the purposes of this Act to be, for those purposes, a national highway.

(3) Where the Minister is of the opinion—

- (a) that a road or a proposed road in a State is of use or would, if constructed, be of use—
  - (i) in the development of particular industries or particular energy resources (including industries or energy resources in remote areas of Australia);
  - (ii) in facilitating or developing trade or commerce with other countries or among the States; or
  - (iii) in facilitating, to a significant extent, travel for tourist purposes; and
- (b) that, for that reason, the road is, or the proposed road would, if constructed, be, of national importance,

the Minister may declare the road or the proposed road to be a developmental road for the purposes of this Act.

(4) The Minister may revoke or vary a declaration made under this section.

(5) The Minister shall cause a copy of a declaration under this section of a road or a proposed road in a State to be given to the appropriate Minister of the State.

#### **Declaration of urban arterial roads and rural arterial roads**

5. (1) The Minister may declare a road, or a proposed road, in a State—

- (a) that is predominantly associated with an urban area; and
- (b) that forms part of a network of roads the main function of which is to carry traffic into or across an urban area or between the localities within an urban area,

to be an urban arterial road for the purposes of this Act.

(2) The Minister may declare a road, or a proposed road, in a State—

- (a) that is not in an urban area; and
- (b) the main function of which is to carry traffic between or through major regions, closely settled areas, cities or towns,

to be a rural arterial road for the purposes of this Act.

(3) The Minister may revoke or vary a declaration made under this section.

(4) The Minister shall cause a copy of a declaration under this section of a road or a proposed road in a State to be given to the appropriate Minister of the State.

#### **Declaration of interstate mainline railways**

6. (1) The Minister may declare a railway in a State that constitutes, or a proposed railway in a State that would, if constructed, constitute, a part of—

- (a) the railway that, in the opinion of the Minister, is or will be the principal railway linking 2 State capital cities; or



- (b) any other railway that, in the opinion of the Minister, is of national significance in relation to trade or commerce between—

- (i) the States; or

- (ii) a State and the Australian Capital Territory,

to be an interstate mainline railway for the purposes of this Act.

- (2) The Minister may revoke or vary a declaration made under this section.

(3) The Minister shall cause a copy of a declaration under this section of a railway in a State to be given to—

- (a) the appropriate Minister of the State; or

- (b) the appropriate approved railway authority.

#### **Declaration of approved railway authorities**

7. (1) The Minister may declare an authority that provides, or proposes to provide, whether jointly with another authority or otherwise, railway services over, or over part of, an interstate mainline railway to be an approved railway authority for the purposes of this Act.

- (2) The Minister may revoke a declaration made under this section.

#### **Declaration of approved research organizations and approved road safety organizations**

8. (1) The Minister may declare an organization that arranges, assists or carries out, or that proposes to arrange, assist or carry out, research in relation to land transport to be an approved research organization for the purposes of this Act.

(2) The Minister may declare an organization that arranges, assists or carries out, or that proposes to arrange, assist or carry out, activities in relation to road safety, to be an approved road safety organization for the purposes of this Act.

- (3) The Minister may revoke a declaration made under sub-section (1) or (2).

#### **Standards for national roads**

9. (1) For the purpose of ensuring that this Act is conducive to the construction and maintenance of national roads that are of an adequate standard, the Minister may, from time to time—

- (a) request a State to furnish such information as the Minister specifies relating to the use or likely use of national roads, including the effect on the likely use of national roads of works that the State is carrying out or proposes to carry out by way of the construction or maintenance of other roads in the State;

- (b) after consultation with a State, notify to the State works, or classes of works, by way of the construction or maintenance of the national roads in the State that the Minister considers necessary to be carried out;

- (c) notify to a State the order in which the Minister considers that works in connection with national roads in the State should be carried out; and
  - (d) notify to a State standards, applicable either generally or otherwise as specified in the notification, that the Minister considers necessary to be observed in connection with the construction or maintenance of national roads.
- (2) The Minister may revoke or vary a notification given under sub-section (1).

**Money deemed to have been expended on national roads projects**

10. (1) Subject to sub-section (2), a State may, for the purposes of this Act, treat money expended by the State, in a financial year, for the purpose of meeting administrative costs incurred directly in connection with the construction or maintenance of national roads in the State, not being administrative costs incurred in respect of particular works involved in the carrying out of any project or program approved under sub-section 26 (3), as having been expended in that year by the State on such a project or program.

(2) Money treated as having been expended on a project or program in a year by virtue of sub-section (1)—

- (a) shall not include any money treated, by virtue of that sub-section, as having been expended on any other project or program; and
- (b) shall not exceed, in the aggregate, 4% of the money otherwise expended on that project or program in that year.

**PART II—AUSTRALIAN LAND TRANSPORT TRUST FUND**

**Australian Land Transport Trust Fund**

11. (1) There is established a fund to be known as the Australian Land Transport Trust Fund.

(2) The Fund is a Trust Account for the purposes of section 62A of the *Audit Act 1901*.

**Money to be paid into Fund**

12. (1) Subject to sub-section (2), there shall be paid into the Fund amounts equal to so much of each amount paid to the Commonwealth after 30 June 1985 and before 1 July 1990 as duty of Excise, or duty of Customs, in respect of motor spirit, or diesel fuel, entered for home consumption as bears to the amount so paid the same proportion as the relevant rate bears to the rate of duty, expressed in cents per litre, by reference to which the amount so paid was ascertained.

(2) Where the whole or a part of an amount (which whole or part in this sub-section is referred to as the “refunded amount”) paid as duty of Excise, or duty of Customs, in respect of motor spirit, or diesel fuel, entered for home consumption is, after 30 June 1985 and before 1 July 1990, repaid to a person

by the Commonwealth by way of rebate or otherwise, there shall be deducted from the sum of the amounts that would, but for this sub-section, be paid into the Fund under sub-section (1) an amount that bears to the refunded amount the same proportion as the relevant rate bears to the rate of duty, expressed in cents per litre, by reference to which the refunded amount was ascertained.

(3) For the purposes of sub-sections (1) and (2), where 2 or more parts of an amount paid as duty were ascertained by reference to different rates of duty, each of those parts shall be taken to be a separate amount so paid.

(4) There shall be paid into the Fund income derived from the investment of money standing to the credit of the Fund.

(5) A reference in this Part to amounts paid into the Fund does not include a reference to any amounts paid into the Fund under section 34.

### **Special provisions for 1985-1986 financial year**

13. (1) Where the sum of the amounts paid into the Fund before 1 July 1986 is less than \$810,000,000, there shall be paid into the Fund an amount equal to the amount by which \$810,000,000 exceeds that sum.

(2) Where the sum of the amounts paid into the Fund before 1 July 1986 exceeds \$810,000,000, there shall be paid out of the Fund, to the Consolidated Revenue Fund, an amount equal to the amount of the excess.

(3) The Minister for Finance may make advances to the Fund on account of an amount that may become payable under sub-section (1).

### **Re-calculation of relevant rate at end of 1985-1986 financial year**

14. If the amount (in this section referred to as the “net amount”) paid into the Fund under sub-section 12 (1) before 1 July 1986 is not equal to \$810,000,000, the Minister shall, before 31 July 1986, by notice published in the *Gazette*, determine that this Act shall be deemed to have effect from 1 July 1986 as if for the relevant rate, or, if by virtue of an application or applications of section 15 another rate (in this section referred to as the “30 June 1986 rate”) had before that date been substituted, for the 30 June 1986 rate, there were substituted the rate specified in the notice, being—

- (a) the rate, calculated to 3 decimal places, in accordance with the formula  $\frac{A \ 810,000,000}{B}$  where—

**A** is the relevant rate or the 30 June 1986 rate, whichever is applicable; and

**B** is the number of whole dollars in the net amount; or

- (b) if the rate so ascertained would, if it were calculated to 4 decimal places, end in a number greater than 4—the rate so ascertained increased by 0.001.

**Indexation of relevant rate**

**15. (1)** In this section, unless the contrary intention appears—

“index number”, in relation to a quarter, means the All Groups Consumer Price Index number, being the weighted average of the 8 capital cities, published by the Statistician in respect of that quarter;

“relevant period” means the period of 6 months commencing on 1 August 1985, and each subsequent period of 6 months;

“Statistician” means the Australian Statistician.

(2) Subject to sub-section (3), if at any time, whether before or after the commencement of this Act, the Statistician has published or publishes an index number in respect of a quarter in substitution for an index number previously published by the Statistician in respect of that quarter, the publication of the later index number shall be disregarded for the purposes of this section.

(3) If at any time, whether before or after the commencement of this Act, the Statistician has changed or changes the reference base for the consumer price index, then, for the purposes of the application of this section after the change took place or takes place, regard shall be had only to index numbers published in terms of the new reference base.

(4) Subject to sub-section (6), where the factor ascertained in relation to a relevant period in accordance with sub-section (5) is greater than 1, this Act has effect as if for the relevant rate there were substituted, on the first day of that period, a rate calculated by multiplying by that factor—

- (a) in a case to which paragraph (b) does not apply—the relevant rate; or
- (b) if, by virtue of another application or other applications of this section, this Act has had effect as if another rate were substituted, or other rates were successively substituted, for the relevant rate—the substituted rate or the last substituted rate, as the case may be.

(5) The factor to be ascertained for the purposes of sub-section (4) in relation to a relevant period—

- (a) is the number, calculated to 3 decimal places, ascertained by dividing—
  - (i) if the relevant period commences on 1 February—the index number for the last preceding December quarter; or
  - (ii) if the relevant period commences on 1 August—the index number for the last preceding June quarter,by the highest index number in respect of a December or June quarter that preceded that quarter, not being a December or June quarter that occurred before the December quarter in the year 1983; or
- (b) if the number so ascertained would, if it were calculated to 4 decimal places, end in a number greater than 4—is the number so ascertained increased by 0.001.

(6) If an index number necessary for the calculation of the factor to be ascertained in relation to a relevant period in accordance with sub-section (5) is

not published by the Statistician more than 7 days before the first day of the period—

- (a) the Minister shall, as soon as practicable after the index number is published by the Statistician (but not earlier than the first day of the period), publish a notice in the *Gazette* stating that—
  - (i) the index number was not published by the Statistician more than 7 days before the first day of the current relevant period; and
  - (ii) the index number has now been published and is to commence to have effect, for the purposes of this section, on the day on which the notice is published in the *Gazette*; and
- (b) sub-section (4) shall have effect in relation to the period as if the reference in that sub-section to the first day of the period were a reference to the day immediately following the day on which the notice was published in the *Gazette*.

(7) Where, by virtue of the application of this section, this Act is to have effect as if another rate (in this sub-section referred to as a “substituted rate”) were substituted for the relevant rate on a particular day, the Minister shall, on or as soon as practicable after that day, publish a notice in the *Gazette* specifying the substituted rate.

(8) If, by virtue of section 14, this Act has had effect as if another rate were substituted, paragraphs (4) (a) and (b) of this section have effect as if that other rate were substituted by virtue of an application of this section.

### **Application of Fund**

**16.** Subject to sections 17 and 18, amounts standing to the credit of the Fund may be paid out of the Fund—

- (a) to a State, by way of the grant of financial assistance to the State, for expenditure by the State on—
  - (i) projects for the construction, and programs for the maintenance, of—
    - (A) national roads;
    - (B) urban arterial roads; or
    - (C) rural arterial roads,being projects or programs approved under sub-section 26 (3);
  - (ii) the construction or maintenance of local roads; and
  - (iii) capital railway projects approved under sub-section 26 (3);
- (b) to an approved railway authority for expenditure by the authority on capital railway projects approved under sub-section 26 (3);
- (c) to an approved research organization for expenditure by the organization in arranging, assisting or carrying out programs of research relating to land transport approved under sub-section 26 (3); and

- (d) to an approved road safety organization for expenditure by the organization in arranging, assisting or carrying out programs of activities relating to road safety approved under sub-section 26 (3).

**Limit of allocations for financial years 1985-1986 and 1986-1987**

17. (1) The sum of the amounts paid out of the Fund, before 1 July 1987, to the States by way of the grant of financial assistance for expenditure by the States on projects and programs for the construction and maintenance of national roads shall not exceed, in the aggregate, an amount equal to 47.012% of the sum of the amounts paid into the Fund before that date.

(2) The sum of the amounts paid out of the Fund, before 1 July 1987, to approved organizations for expenditure by the organizations on arranging, assisting or carrying out of programs of research relating to land transport or of programs of activities relating to road safety shall not exceed, in the aggregate, an amount equal to 0.618% of the sum of the amounts paid into the Fund before that date.

(3) The sum of the amounts paid out of the Fund, before 1 July 1987, to a State specified in column 1 of Schedule 1 by way of the grant of financial assistance for expenditure by the State on projects and programs for the construction and maintenance of urban arterial roads in the State shall not exceed, in the aggregate, an amount equal to the percentage specified in column 2 of that Schedule opposite to the name of that State of the sum of the amounts paid into the Fund before that date.

(4) The sum of the amounts paid out of the Fund, before 1 July 1987, to a State specified in column 1 of Schedule 2 by way of the grant of financial assistance for expenditure by the State on projects and programs for the construction and maintenance of rural arterial roads in the State shall not exceed, in the aggregate, an amount equal to the percentage specified in column 2 of that Schedule opposite to the name of that State of the sum of the amounts paid into the Fund before that date.

(5) The sum of the amounts paid out of the Fund, before 1 July 1987, to a State specified in column 1 of Schedule 3 by way of the grant of financial assistance for expenditure by the State on the construction and maintenance of local roads in the State shall not exceed, in the aggregate, an amount equal to the percentage specified in column 2 of that Schedule opposite to the name of that State of the sum of the amounts paid into the Fund before that date.

(6) The Minister may, by notice in writing published in the *Gazette*, determine that this section and section 18 shall have effect as if an amount or amounts specified in the notice paid out of the Fund after 30 June 1987 and before 1 January 1988 were paid out of the Fund before 1 July 1987.

**Limit of allocations for financial years 1987-1988, 1988-1989 and 1989-1990**

18. (1) The sum of the amounts paid out of the Fund, after 30 June 1987, to the States by way of the grant of financial assistance for expenditure by the States on projects and programs for the construction and maintenance of

national roads shall not exceed, in the aggregate, an amount equal to 47.012% of the sum of the amounts paid into the Fund after that date.

(2) The sum of the amounts paid out of the Fund, after 30 June 1987, to approved organizations for expenditure by the organizations on arranging, assisting or carrying out of programs of research relating to land transport or of programs of activities relating to road safety shall not exceed, in the aggregate, an amount equal to 0.618% of the sum of the amounts paid into the Fund after that date.

(3) The sum of the amounts paid out of the Fund, after 30 June 1987, to a State specified in column 1 of Schedule 1 by way of the grant of financial assistance for expenditure by the State on projects and programs for the construction and maintenance of urban arterial roads in the State shall not exceed, in the aggregate, an amount equal to the percentage specified in column 3 of that Schedule opposite to the name of that State of the sum of the amounts paid into the Fund after that date.

(4) The sum of the amounts paid out of the Fund, after 30 June 1987, to a State specified in column 1 of Schedule 2 by way of the grant of financial assistance for expenditure by the State on projects and programs for the construction and maintenance of rural arterial roads in the State shall not exceed, in the aggregate, an amount equal to the percentage specified in column 3 of that Schedule opposite to the name of that State of the sum of the amounts paid into the Fund after that date.

(5) The sum of the amounts paid out of the Fund, after 30 June 1987, to a State specified in column 1 of Schedule 3 by way of the grant of financial assistance for expenditure by the State on the construction and maintenance of local roads in the State shall not exceed, in the aggregate, an amount equal to the percentage specified in column 3 of that Schedule opposite to the name of that State of the sum of the amounts paid into the Fund after that date.

#### **Minister to allocate balance of funds for expenditure after 30 June 1987**

19. (1) Subject to sub-section (2), the Minister shall, before 31 March 1987, direct that a percentage specified in column 3 of Schedule 1, column 3 of Schedule 2 or column 3 of Schedule 3, or 2 or more percentages so specified, shall be increased to such percentage as the Minister thinks fit and, where the Minister gives such a direction, the percentage shall be deemed to be increased accordingly.

(2) The sum of the increases in percentages referred to in sub-section (1) shall equal 5.236.

(3) Where, under sub-section (1), the Minister gives a direction that a percentage specified in a column of a Schedule be increased, the total of the percentages in that column shall be deemed to be increased accordingly.

#### **Variation of percentages for arterial roads and local roads at request of State**

20. (1) Subject to sub-section (2), where a State satisfies the Minister that it would be desirable, having regard to the policies of the Government of the

Commonwealth relating to land transport, that any or all of the following percentages, that is, a percentage specified in column 2 or 3 of Schedule 1, a percentage specified in column 2 or 3 of Schedule 2, or a percentage specified in column 2 or 3 of Schedule 3, opposite to the name of that State be varied in ways specified by the State, the Minister may direct that those percentages be so varied and, where the Minister gives such a direction, those percentages shall be deemed to be varied accordingly.

(2) The Minister shall not, under sub-section (1), give a direction that percentages specified in columns of Schedules opposite to the name of a State be varied in ways that will result in—

(a) a variation of the sum of—

- (i) the percentage specified in column 2 of Schedule 1 opposite to the name of the State;
- (ii) the percentage specified in column 2 of Schedule 2 opposite to the name of the State; and
- (iii) the percentage specified in column 2 of Schedule 3 opposite to the name of the State; or

(b) a variation of the sum of—

- (i) the percentage specified in column 3 of Schedule 1 opposite to the name of the State;
- (ii) the percentage specified in column 3 of Schedule 2 opposite to the name of the State; and
- (iii) the percentage specified in column 3 of Schedule 3 opposite to the name of the State.

(3) Where, under sub-section (1), the Minister gives a direction that a percentage specified in a column in a Schedule be varied, the total of the percentages in that column shall be deemed to be varied accordingly.

#### **Minister may re-allocate funds for national roads, road safety and research**

**21. (1)** The Minister may direct that the percentage specified in sub-section 17 (1) be reduced and a percentage specified in sub-section 17 (2) or in column 2 of Schedule 1, column 2 of Schedule 2 or column 2 of Schedule 3, or 2 or more percentages so specified, be increased by adding to that percentage or to those percentages a percentage that equals, or percentages the sum of which equals, the reduction of the first-mentioned percentage and, where the Minister gives such a direction, that percentage or those percentages, as the case may be, shall be deemed to be varied accordingly.

**(2)** The Minister may direct that the percentage specified in sub-section 17 (2) be reduced and a percentage specified in sub-section 17 (1) or in column 2 of Schedule 1, column 2 of Schedule 2 or column 2 of Schedule 3, or 2 or more percentages so specified, be increased by adding to that percentage or to those percentages a percentage that equals, or percentages the sum of which equals, the reduction of the first-mentioned percentage and, where the Minister gives such a direction, that percentage or those percentages, as the case may be, shall be deemed to be varied accordingly.



(3) The Minister may direct that the percentage specified in sub-section 18 (1) be reduced and a percentage specified in sub-section 18 (2) or in column 3 of Schedule 1, column 3 of Schedule 2 or column 3 of Schedule 3, or 2 or more percentages so specified, be increased by adding to that percentage or to those percentages a percentage that equals, or percentages the sum of which equals, the reduction of the first-mentioned percentage and, where the Minister gives such a direction, that percentage or those percentages, as the case may be, shall be deemed to be varied accordingly.

(4) The Minister may direct that the percentage specified in sub-section 18 (2) be reduced and a percentage specified in sub-section 18 (1) or in column 3 of Schedule 1, column 3 of Schedule 2 or column 3 of Schedule 3, or 2 or more percentages so specified, be increased by adding to that percentage or to those percentages a percentage that equals, or percentages the sum of which equals, the reduction of the first-mentioned percentage and, where the Minister gives such a direction, that percentage or those percentages, as the case may be, shall be deemed to be varied accordingly.

(5) Where, under sub-section (1), (2), (3) or (4), the Minister gives a direction that a percentage specified in a column in a Schedule be varied, the total of the percentages in that column shall be deemed to be varied accordingly.

#### **Increase of funds for national roads, road safety and research**

**22. (1)** Where the Minister and the appropriate Minister of a State agree that it is desirable, having regard to the policies of the Government of the Commonwealth relating to land transport, that an amount standing to the credit of the Fund should be expended on the construction or maintenance of a national road, on activities relating to road safety or on research relating to land transport instead of being expended on the construction and maintenance of arterial roads or local roads, the Minister, for the purpose of giving effect to the agreement, may direct that a percentage specified in column 2 or 3 of Schedule 1, column 2 or 3 of Schedule 2 or column 2 or 3 of Schedule 3, or 2 or more percentages so specified, opposite to the name of that State be reduced and a percentage specified in sub-section 17 (1) or (2) or 18 (1) or (2) be increased and, where the Minister gives such a direction, the percentage or percentages shall be deemed to be reduced or increased, accordingly.

(2) Where, under sub-section (1), the Minister gives a direction that a percentage specified in a column in a Schedule be reduced, the total of the percentages in that column shall be deemed to be reduced accordingly.

#### **Time and manner of payments**

**23. (1)** Payments out of the Fund shall be made at such times, and in such amounts, as the Minister approves.

(2) Where a payment is made out of the Fund, the payment shall be accompanied by a statement requiring that the payment, or a specified part of the payment, be expended in arranging, assisting or carrying out—

- (a) a specified project or program approved under sub-section 26 (3) or a specified class of projects or programs approved under that sub-section; or
- (b) the construction or maintenance of local roads.

#### **Condition of payment**

**24.** A payment of an amount out of the Fund to a State, approved railway authority or approved organization is subject to the condition that the State, authority or organization will expend the amount as required by the statement under sub-section 23 (2) that accompanied the payment.

#### **Closing of Fund**

**25.** The Fund shall be closed on the expiration of 31 December 1990 and any money standing to the credit of the Fund at the time when it is closed shall be paid to all or any of the following:

- (a) to a State or States by way of the grant of financial assistance for expenditure by the State or States of the kind referred to in paragraph 16 (a);
- (b) to an approved railway authority or approved railway authorities for expenditure by the authority or authorities on expenditure of the kind referred to in paragraph 16 (b);
- (c) to an approved research organization or approved research organizations for expenditure of the kind referred to in paragraph 16 (c);
- (d) to an approved road safety organization or approved road safety organizations for expenditure of the kind referred to in paragraph 16 (d).

### **PART III—APPROVAL OF PROJECTS AND PROGRAMS**

#### **Approval of projects and programs**

**26. (1)** The Minister may, from time to time, request—

- (a) a State to submit particulars of projects to be undertaken in the State for the construction of—
  - (i) national roads;
  - (ii) urban arterial roads; or
  - (iii) rural arterial roads;
- (b) a State to submit particulars of programs to be undertaken in the State for the maintenance of—
  - (i) national roads;
  - (ii) urban arterial roads; or
  - (iii) rural arterial roads;

- (c) a State or an approved railway authority to submit particulars of capital railway projects to be undertaken in the State or by the authority, as the case may be;
- (d) an approved research organization to submit particulars of programs of research relating to land transport to be arranged, assisted or carried out by the organization; and
- (e) an approved road safety organization to submit particulars of programs of activities relating to road safety to be arranged, assisted or carried out by the organization.

(2) The Minister may, in a request made to a State, authority or organization under sub-section (1), inform the State, authority or organization that the Minister considers that particulars of a project or program specified in the request should be submitted to the Minister in accordance with the request.

(3) Where a State, authority or organization, in accordance with a request made to it under sub-section (1), submits to the Minister particulars of a project or program, the Minister may approve the project or program.

(4) A project or program referred to in sub-section (1), (2) or (3) may be—

- (a) a project or program that was commenced, but not completed, before the commencement of this Act; or
- (b) a project or program part of the cost of which it is proposed to meet out of funds obtained otherwise than out of the Fund.

(5) Where a State, authority or organization submits particulars of a project or program in accordance with a request under sub-section (1), those particulars shall include an estimate of the cost of the project or program and particulars of any part of that cost proposed to be met out of funds obtained otherwise than out of the Fund.

(6) The Minister shall not approve a project or program under sub-section (3) unless the Minister is satisfied—

- (a) that the undertaking of the project or program would further the policies of the Government of the Commonwealth relating to land transport; and
- (b) that, having regard to the costs of projects and programs, and other expenditure to be met by payments out of the Fund, the costs in relation to the project or program that are proposed to be met by payments out of the Fund could be met by such payments made in accordance with section 16.

(7) The Minister shall not approve, under sub-section (3), a project or program for the construction or maintenance of national roads submitted by a State unless the Minister is satisfied that the project or program complies with the requirements set out in any notification given to the State under paragraph 9 (1) (b), (c) or (d) that are applicable in relation to the State.

(8) The Minister shall not approve, under sub-section (3), a capital railway project submitted by a State or an approved railway authority unless the Minister is satisfied that—

- (a) the project is likely to result in improvements to the capacity of, or the quality or efficiency of operations in relation to, interstate mainline railways; and
- (b) the State or authority has taken such steps to improve its operational or commercial practices as will, in the Minister's opinion, be likely to ensure the early achievement of the benefits of those improvements.

**Variation of projects, &c.**

27. (1) Subject to sub-section (2), the Minister may, in accordance with procedures determined by the Minister—

- (a) approve a variation of a project or program approved under sub-section 26 (3);
- (b) approve a variation of the estimated cost of a project or program approved under sub-section 26 (3); or
- (c) approve a variation of the costs in relation to a project or program approved under sub-section 26 (3) that are to be met by payments out of the Fund.

(2) The Minister shall not approve a variation under sub-section (1) if the Minister considers—

- (a) that the approval of the variation would not further the policies of the Government of the Commonwealth in relation to land transport; or
- (b) that, having regard to the cost of projects and programs, and other expenditure to be met by payments out of the Fund, the approval of the variation would result in the costs in relation to a project or program that are to be met by payments out of the Fund being such that they could not be met by payments made in accordance with section 16.

**Allocations of Fund to local government bodies**

28. (1) Money expended by a State by way of funding government authorities to carry out the construction or maintenance of local roads shall not be taken to have been expended in accordance with this Act unless the money is allocated by the State between local government bodies and government authorities that are not local government bodies in accordance with—

- (a) where the State has formulated principles for the purposes of this sub-section and the Minister has approved those principles—those principles; or
- (b) in any other case—principles determined by the Minister.

(2) The Minister shall not determine principles for the purposes of sub-section (1) in relation to a State unless and until—

- (a) the appropriate Minister of the State has informed the Minister that the State does not propose to formulate principles for the purposes of that sub-section; or
- (b) the Minister has, by notice in writing, requested the appropriate Minister of the State to arrange for the formulation of such principles within a specified time and, within that time, the State has not formulated such principles or has not formulated such principles that the Minister is prepared to approve.

(3) A State may, with the approval of the Minister, vary principles formulated by the State for the purposes of sub-section (1).

(4) The Minister may vary principles determined by the Minister for the purposes of sub-section (1).

#### **PART IV—CONDITIONS OF PAYMENTS**

##### **Minister may require information to be furnished**

29. (1) In addition to the conditions specified in any other provision of this Act, a payment of an amount to a State, approved railway authority or approved organization out of the Fund is subject to the condition that the appropriate Minister of the State, the authority or the organization, as the case may be, will comply with any requirement made in accordance with sub-section (2).

(2) The Minister may, by notice in writing, require the appropriate Minister of a State, an approved railway authority or an approved organization to furnish to the Minister, within the time specified in the notice, such information relevant to the operation of, or to a matter arising under, this Act as is specified in the notice.

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

30. (1) In addition to the conditions specified in any other provision of this Act, payment of an amount to a State, approved railway authority or approved organization out of the Fund is subject to the following conditions:

- (a) that the State, authority or organization will give to the Minister—
  - (i) as soon as practicable after 30 June in each year, a statement, in accordance with a form approved by the Minister, as to—
    - (A) the expenditure by the State, authority or organization during that year out of that amount; and
    - (B) any sum set aside during that year out of that amount for expenditure by the State, authority or organization but not expended during that year; and

- (ii) a certificate by the appropriate person certifying that, in the opinion of the person, the contents of a statement referred to in sub-paragraph (i) are correct;
- (b) that, if the Minister informs the Treasurer of the State or, in the case of an authority or organization, a responsible officer of the authority or organization, that the Minister is satisfied that the State, authority or organization has failed, with respect to that amount, to fulfil the condition specified in paragraph (a), the State, authority or organization, as the case may be, will repay that amount, or such part of that amount as the Minister specifies, to the Commonwealth.

(2) In this section—

“appropriate person” means—

- (a) in relation to a State or to an authority or organization whose accounts are required by law to be audited by the Auditor-General of a State—the Auditor-General of the State;
- (b) in relation to an authority or organization whose accounts are required by law to be audited by the Auditor-General of the Commonwealth—the Auditor-General of the Commonwealth; or
- (c) in any other case—a qualified accountant;

“qualified accountant” means—

- (a) a person who is registered as a company auditor or a public accountant under a law in force in a State or Territory; or
- (b) a member of the Institute of Chartered Accountants in Australia or of the Australian Society of Accountants.

### **Condition relating to expenditure of moneys paid out of Fund**

31. In addition to the conditions specified in any other provision of this Act, a payment to a State, approved railway authority or approved organization out of the Fund is subject to the condition that, if any amount or amounts paid to the State, authority or organization out of the Fund has not or have not been wholly expended or otherwise dealt with in accordance with this Act, the State, authority or organization, as the case may be, will, on demand by the Minister, pay to the Commonwealth an amount specified by the Minister, being an amount not greater than so much of the sum of the amount or amounts so paid to the State, authority or organization as has not been so expended or otherwise dealt with.

### **Additional conditions with respect to approved projects and programs**

32. (1) In addition to the conditions specified in any other provision of this Act, a payment of an amount to a State or approved railway authority out of the Fund is subject to the following conditions:

- (a) in the case of a State—that, where amounts paid to the State are required by virtue of this Act to be expended on the carrying out of a

project for the construction of a national road, being a project that will involve—

- (i) the construction, reconstruction or realignment of the road; or
- (ii) the bringing of the road to a higher standard,

the State will invite, and deal with, tenders for particular works involved in the activities referred to in sub-paragraph (i) or (ii), other than exempt works of the State, in accordance with procedures approved by the Minister;

- (b) that, where amounts paid to the State or authority are required by virtue of this Act to be expended in relation to a capital railway project, being a project that will involve the performance of works, or the purchase of goods, for which it is appropriate to invite tenders, the State or authority will invite, and deal with, tenders for those works or goods in accordance with procedures approved by the Minister;
- (c) in the case of a State—that the State will, if requested by the Minister to do so, enter into an arrangement with the Minister for the setting up of a committee of persons representing both the Minister and the appropriate Minister of the State to carry out planning and give advice to both Ministers in connection with this Act in so far as it relates to the State;
- (d) that the State or authority will ensure that signs are displayed and maintained in accordance with requirements notified to the State or authority from time to time by the Minister, being signs that indicate that a project or program is being or has been funded out of the Fund;
- (e) that the State or authority will ensure that such other recognition of the extent to which a project or program is being or has been funded out of the Fund will be given by the State or authority in accordance with requirements notified to the State or authority from time to time by the Minister;
- (f) in the case of a State—that the State will comply with any requirements prohibiting (either unconditionally or subject to a condition requiring the Minister's approval to be given) the display of signs (other than traffic signs) near national highways in respect of which any payment has been made out of the Fund as are notified to the State from time to time by the Minister;
- (g) in the case of a State—that, where the amounts paid to the State are required by virtue of this Act to be expended on projects for the construction of national roads, the State will give to the Minister as soon as practicable after 30 June in each year, a certificate by a person approved by the Minister for the purposes of this paragraph certifying that, in the opinion of the person, work that has been carried out during that year on those projects has been carried out in accordance with the standards (if any) applicable to that work in accordance with section 9;

- (h) that the State or authority will, at all reasonable times, permit a person authorized by the Minister—
  - (i) to inspect any work involved in the carrying out of a project or program approved under sub-section 26 (3); and
  - (ii) to inspect and make copies of, or take extracts from, any plans, designs, tenders, records or other documents relating to a project or program approved under sub-section 26 (3);
- (j) in the case of a State—that the State will make provision satisfactory to the Minister for the provision and maintenance of roads connecting the national roads in the State with other roads in the State;
- (k) in the case of a State—that the State will not, without the consent of the Minister, cause or permit a toll or fee to be charged for the right to travel in a vehicle on or over a particular part of a national road, or an arterial road, in respect of which any payment has been made out of the Fund;
- (m) if an asset (being land or an interest in land) acquired by the State or approved railway authority or by a government authority that is not a local government body for a purpose in respect of which an amount was paid to the State or approved railway authority—
  - (i) out of the Fund;
  - (ii) out of the Australian Bicentennial Road Development Trust Fund established by section 7 of the *Australian Bicentennial Road Development Trust Fund Act 1982*; or
  - (iii) under the *States Grants (Roads) Act 1977*, the *Roads Grants Act 1980* or the *Roads Grants Act 1981*,

is sold or otherwise disposed of after the commencement of this Act, the State or approved railway authority will either pay an amount equal to the proceeds of the sale or disposal to the Commonwealth or ensure that those proceeds are expended—

- (iv) in the case of a State—on the construction or maintenance of roads or on capital railway projects; or
    - (v) in the case of an approved railway authority—on capital railway projects;
  - (n) that, if the Minister informs the Treasurer of the State or, in the case of an authority, a responsible officer of the authority, that the Minister is satisfied that the State or authority has failed to fulfil a condition specified in a preceding paragraph of this sub-section or in section 29, the State or authority will repay to the Commonwealth the amount paid to it, or such part of that amount as the Minister specifies.
- (2) In this section, “exempt works”, in relation to a State, means works that the State has satisfied the Minister are works the whole of which—
- (a) are urgently required by reason of an emergency;
  - (b) are of such a minor nature that the invitation of tenders for those works would involve undue additional cost;



- (c) are of a kind for which it is not practicable to prepare adequate tender specifications; or
- (d) are of a kind for which competitive tenders are unlikely to be received.

## **PART V—MISCELLANEOUS**

### **Deduction of amounts repayable**

**33.** The Minister may deduct any amount repayable by a State, approved railway authority or approved organization under this Act from an amount payable to the State, authority or organization out of the Fund.

### **Moneys repaid to Commonwealth**

**34. (1)** Any moneys repaid to the Commonwealth by a State, approved railway authority or approved organization under this Act shall be paid into the Fund.

**(2)** Any moneys paid to the Commonwealth pursuant to paragraph 32 (1) (m) shall be deemed to be moneys repaid to the Commonwealth for the purposes of sub-section (1).

### **Appropriation**

**35.** Amounts payable into the Fund under sub-section 12 (1) or section 13 are payable out of the Consolidated Revenue Fund, which is appropriated accordingly.

### **Delegations**

**36. (1)** The Minister may, either generally or as otherwise provided by the instrument of delegation, by writing signed by the Minister, delegate to an officer of the Australian Public Service all or any of his or her powers under sections 9, 23, 26, 27 and 29 and paragraph 32 (1) (h).

**(2)** A power so delegated, when exercised by the delegate, shall, for the purposes of this Act, be deemed to have been exercised by the Minister.

**(3)** A delegation under this section does not prevent the exercise of a power by the Minister.

### **Publication of declarations and directions**

**37.** The Minister shall cause a copy of—

- (a) a declaration made under section 7 or 8; and
- (b) a direction made under Part II,

to be published in the *Gazette*.

---

**SCHEDULE 1** Sub-sections 17 (3) and 18 (3)

**LIMIT OF ALLOCATIONS FOR URBAN ARTERIAL ROADS**

Column 1	Column 2	Column 3
	Percentage 1985-1986 1986-1987	Percentage 1987-1988 1988-1989 1989-1990
State		
New South Wales . . . . .	4.839	4.355
Victoria . . . . .	4.432	3.989
Queensland . . . . .	1.877	1.689
Western Australia . . . . .	1.901	1.711
South Australia . . . . .	0.802	0.722
Tasmania . . . . .	0.457	0.411
Northern Territory . . . . .	0.173	0.156
	14.481	13.033

**SCHEDULE 2** Sub-sections 17 (4) and 18 (4)

**LIMIT OF ALLOCATIONS FOR RURAL ARTERIAL ROADS**

Column 1	Column 2	Column 3
	Percentage 1985-1986 1986-1987	Percentage 1987-1988 1988-1989 1989-1990
State		
New South Wales . . . . .	3.025	2.722
Victoria . . . . .	2.222	2.000
Queensland . . . . .	3.975	3.577
Western Australia . . . . .	1.605	1.445
South Australia . . . . .	1.235	1.112
Tasmania . . . . .	0.519	0.467
Northern Territory . . . . .	0.086	0.077
	12.667	11.400

**SCHEDULE 3** Sub-sections 17 (5) and 18 (5)

**LIMIT OF ALLOCATIONS FOR LOCAL ROADS**

Column 1  State	Column 2	Column 3
	Percentage 1985–1986 1986–1987	Percentage 1987–1988 1988–1989 1989–1990
New South Wales . . . . .	7.235	6.512
Victoria . . . . .	5.049	4.544
Queensland . . . . .	4.914	4.423
Western Australia . . . . .	3.654	3.289
South Australia . . . . .	1.926	1.733
Tasmania . . . . .	1.284	1.156
Northern Territory . . . . .	1.160	1.044
	25.222	22.701

[Minister's second reading speech made in—  
House of Representatives on 8 May 1985  
Senate on 20 May 1985]