



Australian Centennial Roads Development Amendment Act 1990

No. 3 of 1991

**An Act to amend the *Australian Centennial Roads
Development Act 1988*, and for related purposes**

[Assented to 8 January 1991]

The Parliament of Australia enacts:

Short title etc.

1. (1) This Act may be cited as the *Australian Centennial Roads Development Amendment Act 1990*.

(2) In this Act, “**Principal Act**” means the *Australian Centennial Roads Development Act 1988*¹.

Commencement

2. This Act commences on the day on which it receives the Royal Assent.

*Australian Centennial Roads Development Amendment
No. 3, 1991*

Short title

3. Section 1 of the Principal Act is amended by omitting “*Centennial Roads*” and substituting “*Land Transport*”.

Interpretation

4. Section 3 of the Principal Act is amended:

- (a) by omitting “Centennial Roads” from the definition of “Fund” in subsection (1) and substituting “Land Transport”;
- (b) by inserting in subsection (1) the following definition:
“‘**provincial cities and rural highways road**’ means a road or a proposed road in respect of which a declaration under subsection 7A (1) is in force;”;
- (c) by omitting from subsection (1) the definition of “urban public transport project” and substituting the following definition:
“‘**urban public transport project**’ means a project in respect of which a declaration under subsection 7C (1) is in force.”;
- (d) by omitting from subsection (1) the definition of “urban public transport system”.

5. After section 7 of the Principal Act the following sections are inserted:

Provincial cities and rural highways projects

“7A. (1) Where the Minister is satisfied:

- (a) that the construction of a road or a proposed road will yield sufficient economic return to justify the incurring of the costs of construction; and
- (b) that the road or proposed road is not in a State capital city;

the Minister may declare the road or proposed road to be a provincial cities and rural highways road for the purposes of this Act.

“(2) The Minister may, by declaration, revoke or vary a declaration made under subsection (1).

“(3) The Minister must cause a copy of a declaration made under this section in respect of a road, or a proposed road, in a State to be given to the appropriate Minister of the State.

Black spot projects and road safety measures

“7B. (1) If the Minister is satisfied that a part of a road that is not a part of a national highway is a site the nature of which has contributed to serious motor vehicle crashes involving death or personal injury, the Minister may declare the location to be a black spot for the purposes of this Act.

*Australian Centennial Roads Development Amendment
No. 3, 1991*

“(2) The Minister may declare a measure to be a road safety measure for the purposes of this Act if the Minister is satisfied that the implementation of the measure is likely to reduce the incidence of motor vehicle crashes involving death or personal injury.

“(3) The Minister may, by declaration, revoke or vary a declaration made under subsection (1) or (2).

“(4) The Minister must cause a copy of a declaration made under this section in respect of a part of a road in a State or a measure that relates to a State to be given to the appropriate Minister of the State.

Urban public transport projects

“7C. (1) If the Minister is satisfied that a project by way of capital expenditure in a State is likely to result in the reduction of the traffic on, or the wear and tear affecting, any road (including a national arterial road or a State arterial road) in an urban area, or is likely to provide environmentally or socially innovative measures to facilitate public transport, the Minister may declare the project to be an urban public transport project for the purposes of this Act.

“(2) The Minister may, by declaration, revoke or vary a declaration made under subsection (1).

“(3) The Minister must cause a copy of a declaration made under this section in respect of a project in a State to be given to the appropriate Minister of the State.”.

Heading to Part II

6. The heading to Part II of the Principal Act is omitted and the following heading is substituted:

**“PART 2—AUSTRALIAN LAND TRANSPORT DEVELOPMENT
TRUST FUND”.**

Establishment of Fund

7. (1) Section 11 of the Principal Act is amended by omitting “Centennial Roads” from subsection (1) and substituting “Land Transport”.

(2) The Fund established by subsection 11 (1) of the Principal Act continues in existence under the name set out in that subsection, as amended by this Act.

Money to be paid into Fund

8. Section 12 of the Principal Act is amended by inserting after subsection (3) the following subsection:

“(3A) In addition to payments made under subsection (1), the Commonwealth is to pay the following amounts into the Fund:

*Australian Centennial Roads Development Amendment
No. 3, 1991*

- (a) in relation to the financial year beginning on 1 July 1990—
\$178,300,000;
- (b) in relation to the financial year beginning on 1 July 1991—
\$168,300,000;
- (c) in relation to the financial year beginning on 1 July 1992—
\$158,400,000.”.

Application of Fund

9. Section 15 of the Principal Act is amended:

- (a) by omitting “sections” and substituting “subsection (2) and sections”;
- (b) by omitting “and” from subparagraph (a) (ii);
- (c) by adding at the end of paragraph (a) the following subparagraphs:
 - “(iv) projects for the construction of provincial cities and rural highways roads approved under subsection 26 (3); and
 - (v) a project, or program of projects, for:
 - (A) the road safety improvement of black spots; or
 - (B) the implementation of road safety measures;”;
- (d) by adding at the end the following subsection:

“(2) An amount may not be paid out of the Fund to a State in relation to a project or program referred to in subparagraph (1) (a) (v) unless the State has given to the Minister an undertaking that it will implement road safety initiatives identified by the Minister.”.

Limitation of allocations made after 30 June 1989

10. Section 17 of the Principal Act is amended:

- (a) by omitting from subsection (1) all words after “shall not exceed” and substituting “the amount specified in column 3 of that item”;
- (b) by inserting in subsection (2) “under subsection 12 (1)” after “into the Fund”;
- (c) by omitting subsection (3).

Use of funds allocated to projects etc. commenced before the commencement of Act

11. Section 18 of the Principal Act is amended by adding at the end the following subsection:

“(2) Where a project or program of a kind referred to in paragraph 26 (1) (ba) or (bb) and approved under subsection 26 (3) was commenced before the commencement of the *Australian Centennial Roads Development Amendment Act 1990*, any money paid out of the Fund:

*Australian Centennial Roads Development Amendment
No. 3, 1991*

- (a) to a State by way of the grant of financial assistance for expenditure by the State on the project or program; or
 - (b) to an organisation for expenditure on the project or program;
- may, with the approval of the Minister, be used for the reimbursement of amounts expended before the commencement of that Act by the State or organisation on the project or program.”.

Approval of projects and programs

12. (1) Section 26 of the Principal Act is amended:

(a) by inserting after paragraph (1) (b) the following paragraphs:

“(ba) invite or direct a State to submit particulars of projects for the construction of provincial cities and rural highways roads;

(bb) invite or direct a State to submit particulars of projects or programs commenced, or to be commenced, on or after 1 July 1990, for:

- (i) the road safety improvement of black spots; or
- (ii) the implementation of road safety measures;”;

(b) by inserting in paragraph (1) (d) “or direct” after “invite” and “or programs” after “projects”;

(c) by inserting in subsection (2) “or invitation” after “direction” (wherever occurring);

(d) by omitting subsection (3) and substituting the following subsection:

“(3) The Minister may approve a project or program of a kind referred to in subsection (1) where the Minister is satisfied that it is appropriate to do so, whether or not the project or program is one in relation to which particulars have been submitted under subsection (1).”.

(2) An approval of an urban public transport project under subsection 26 (3) of the Principal Act has effect, after the commencement of this Act, as if:

- (a) a declaration had been made under section 7C of the Principal Act, as amended by this Act, in respect of the project; and
- (b) the project had been approved under subsection 26 (3) of the Principal Act, as amended by this Act.

Additional conditions with respect to approved projects and programs

13. Section 32 of the Principal Act is amended:

(a) by inserting in subparagraph (1) (a) (i) “or of a provincial cities and rural highways road (other than a provincial cities and

*Australian Centennial Roads Development Amendment
No. 3, 1991*

rural highways road the construction of which was commenced before the commencement of the *Australian Centennial Roads Development Amendment Act 1990*” after “of this Act”);

- (b) by omitting subparagraph (1) (h) (i) and substituting the following subparagraph:

“(i) develop and implement quality systems for the purposes of projects and programs relating to national highways (including pavement management systems), national arterial roads, or provincial cities and rural highways roads; and”;

- (c) by inserting in paragraph (1) (m) “or a provincial cities and rural highways road,” after “arterial road,”;

- (d) by inserting after paragraph (1) (n) the following paragraph:

“(na) 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 or program for:

- (i) the road safety improvement of black spots; or
(ii) road safety measures;

the State will give to the Minister an undertaking that it will implement road safety initiatives identified by the Minister;”.

14. (1) Section 37 of the Principal Act is repealed and the following section is substituted:

Minister may issue guidelines

“37. (1) The Minister may:

- (a) after consultation with each of the States, determine guidelines for the distribution by each State to government authorities in the State of money paid out of the Fund in accordance with this Act for expenditure by the State on the construction or maintenance of State arterial roads; and
(b) determine guidelines for the administration of programs or projects approved under subsection 26 (3).

“(2) The States must comply with those guidelines.”.

(2) Guidelines in force under section 37 of the Principal Act immediately before the commencement of this Act have effect after the commencement of this Act as if they had been determined under paragraph 37 (1) (a) of the Principal Act, as amended by this Act.

Australian Centennial Roads Development Amendment
No. 3, 1991

15. The Principal Act is amended by adding after section 40 the following section:

Report by Minister

“41. (1) The Minister shall, as soon as practicable after 30 June in each year, cause a report to be laid before each House of the Parliament setting out details of the operation of the Land Transport Fund including:

- (a) the moneys paid into the Fund;
- (b) the moneys paid out of the Fund;
- (c) a description of the progress made on all programs during the year under report;
- (d) a description of the progress made on all approved national highways, national arterial roads, urban public transport and provincial cities and rural highways projects during the year under report; and
- (e) the principles on which the allocation of funds for local roads were made.

“(2) The report referred to in subsection (1) is to provide details of all payments made during each year in respect of each land transport project and the total cumulative amount of payments made in respect of each land transport project irrespective of when such payments were made.”.

Schedule 2

16. Schedule 2 to the Principal Act is repealed and the following Schedule is substituted:

“SCHEDULE 2

Section 17

LIMITATION OF ALLOCATIONS MADE AFTER 30 JUNE 1989

Column 1 Item No.	Column 2 State	Column 3 Amount State arterial roads	Column 4 Percentage local roads
		(\$)	
1	New South Wales	58,400,000	6.287
2	Victoria	47,100,000	4.433
3	Queensland	41,300,000	4.258
4	Western Australia	25,000,000	3.164
5	South Australia	14,700,000	1.696
6	Tasmania	6,900,000	1.099
7	Northern Territory	1,900,000	1.004
8	Australian Capital Territory	5,900,000	0.661

*Australian Centennial Roads Development Amendment
No. 3, 1991*

NOTE

1. No. 154, 1988, as amended. For previous amendments, see No. 29, 1989.

*[Minister's second reading speech made in—
House of Representatives on 7 November 1990
Senate on 13 November 1990]*