



# **AusLink (National Land Transport) Amendment Act 2008**

**No. 106, 2008**

***An Act to amend the *AusLink (National Land Transport) Act 2005*, and for related purposes***

Note: An electronic version of this Act is available in ComLaw (<http://www.comlaw.gov.au/>)



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## ***An Act to amend the *AusLink (National Land Transport) Act 2005*, and for related purposes***

*[Assented to 18 October 2008]*

The Parliament of Australia enacts:

### **1 Short title**

This Act may be cited as the *AusLink (National Land Transport) Amendment Act 2008*.

### **2 Commencement**

This Act commences on the day after it receives the Royal Assent.

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### **3 Schedule(s)**

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

## **Schedule 1—AusLink (National Land Transport) Act 2005**

### **1 Subsection 4(1)**

Insert:

*AusLink Roads to Recovery funding period* means:

- (a) the period starting on 1 July 2005 and ending on 30 June 2009; or
- (b) the period starting on 1 July 2009 and ending on 30 June 2014.

### **2 Subsection 4(1) (after subparagraph (a)(v) of the definition of road)**

Insert:

- (va) a facility off the road used by heavy vehicles in connection with travel on the road (for example, a rest area or weigh station);

### **3 Section 87**

Repeal the section, substitute:

#### **87 Minister to publish AusLink Roads to Recovery List**

- (1) Before, or as soon as practicable after, the start of each AusLink Roads to Recovery funding period, the Minister must, by legislative instrument, determine a list (an *AusLink Roads to Recovery List*) for the funding period.
- (2) The AusLink Roads to Recovery List must:
  - (a) specify the amounts of Commonwealth funding that are to be provided under the AusLink Roads to Recovery Program during the funding period; and
  - (b) in relation to each of those amounts, either:
    - (i) specify the name of the person or body that is to receive the amount; or
    - (ii) state that the amount is specified on account of a particular State, or a particular area of a State, but the

persons or bodies that are to receive the amount have not yet been decided.

- (3) Section 42 (disallowance) of the *Legislative Instruments Act 2003* does not apply to a determination made under subsection (1).

#### **4 Saving**

- (1) This item applies if, immediately before the commencement of this item, an AusLink Roads to Recovery List made under section 87 of the *AusLink (National Land Transport) Act 2005* was in force.
- (2) The AusLink Roads to Recovery List has effect, from the commencement of this item, as if it had been made under that section, as amended by this Schedule, for the AusLink Roads to Recovery funding period starting on 1 July 2005 and ending on 30 June 2009.

#### **5 Paragraphs 88(1)(a) and (2)(a)**

Omit “the AusLink Roads to Recovery List”, substitute “an AusLink Roads to Recovery List”.

#### **6 After subsection 88(2)**

Insert:

(2A) If:

- (a) an AusLink Roads to Recovery List includes a statement referred to in subparagraph 87(2)(b)(ii) in relation to an amount; and
- (b) the Minister considers that one or more persons or bodies are or will become responsible for all or part of the State or area referred to in the statement;

the Minister may, in writing, vary the List to direct some or all of the amount to the person or body, or to one or more of the persons or bodies.

#### **7 Subsection 88(3)**

Omit “the AusLink Roads to Recovery List”, substitute “an AusLink Roads to Recovery List”.

#### **8 Subsections 88(4) and (5)**

Repeal the subsections, substitute:

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- (4) The Minister cannot vary an AusLink Roads to Recovery List except as permitted by subsection (1), (2), (2A) or (3).
- (5) An instrument varying an AusLink Roads to Recovery List is a legislative instrument, but section 42 (disallowance) of the *Legislative Instruments Act 2003* does not apply to the instrument.
- (6) The Minister cannot revoke an AusLink Roads to Recovery List.

**9 Subsection 89(1)**

Omit “the AusLink Roads to Recovery List is payable to the person or body”, substitute “an AusLink Roads to Recovery List for an AusLink Roads to Recovery funding period is payable to the person or body (if any)”.

**10 Subsection 89(3)**

Repeal the subsection, substitute:

- (3) The amount may only be paid during the funding period.

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*[Minister’s second reading speech made in—  
House of Representatives on 28 August 2008  
Senate on 24 September 2008]*

(154/08)

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