



**Australian Government**

**Department of Transport and Regional Services**

## **Explanatory Statement – Variation of AusLink *Roads to Recovery* List No. 2006/2**

Part 8 of the *AusLink (National Land Transport) Act 2005* (the Act) provides for funding for the maintenance and construction of roads. The funds are provided to local government for their roads and to state government agencies responsible for roads in the unincorporated areas of Australia.

On 2 August 2005, the Minister determined a list (the *AusLink Roads to Recovery* list) pursuant to section 87 of the Act specifying the amounts to be provided to each body to receive funds under Part 8 of the Act. It has been varied twice, on 30 September 2005 under section 88(3) to correct errors and update the list and again on 12 May 2006, under section 88(2) to transfer funding listed for the Western Australian Local Government Grants Commission to several individual councils (Variation No. 2006/1).

Section 88(1) of the Act provides that:

- (a) where a named recipient specified in the list ceases to exist before receiving the full amount specified for it in the list (the named recipient's amount); and
- (b) the Minister considers that one or more persons or bodies have taken over the responsibilities of the named recipient;

the Minister may, in writing, vary the List to redirect some or all of the remainder of the named recipient's amount to the other body or bodies. Under subsection 93(1) of the Act, the Minister has delegated his powers under subsection 88 to vary the *AusLink Roads to Recovery* list to the office of General Manager, AusLink Systems and Local Roads Investment.

The Binjari Community Government Council has been wound up and the Community incorporated into the Katherine Town Council. The instrument redirects the necessary funds from the Binjari Community Government Council to the Katherine Town Council.

The variation is a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

All requirements needed to make this determination have been met.

No documents are incorporated in the instrument by reference.

This instrument has no effect on business nor does it restrict competition. It is designed to enable Part 8 of the Act to operate properly in the wake of the decision to wind up the Binjari Community Government Council.