

## **Replacement Explanatory Statement**

Issued by the Authority of the Minister for Infrastructure, Transport, Regional Development and Local Government

*National Land Transport Act 2014*

### **National Land Transport (Roads to Recovery List) Determination 2024**

#### **Authority**

The National Land Transport (Roads to Recovery List) Determination 2024 is made under subsection 87(1) of the *National Land Transport Act 2014*.

#### **Purpose**

The purpose of the instrument is to determine a Roads to Recovery List to specify the period over which Roads to Recovery program funding is to be paid, the amounts to be provided during the funding period, and the name of the persons or bodies that are to receive funding.

#### **Background**

The Roads to Recovery List 2019 instrument determined the funding period in relation to the program commencing on 1 July 2019 and ending on 30 June 2024. A new Roads to Recovery List is required to commence from 1 July 2024 to ensure continuity of program operation.

### **Summary of the National Land Transport (Roads to Recovery List) Determination 2024**

The National Land Transport (Roads to Recovery List) Determination 2024 commenced on 1 July 2024. The instrument is a legislative instrument for the purposes of the *Legislation Act 2003*, but is exempt from disallowance by subsection 87(2) of the *National Land Transport Act 2014*. Roads to Recovery Lists are exempt from disallowance given the administrative nature of the lists, and in order to provide certainty to funding recipients regarding the amount of funding to be made available to them to undertake road construction and maintenance works during the applicable funding period (for this instrument from 1 July 2024 – 30 June 2029).

The instrument is due to sunset on 1 October 2034.

Details of the instrument are set out in **Attachment A**.

#### **Consultation**

The Department of Infrastructure, Transport, Regional Development, Communications and the Arts undertook consultation during January to May 2024 with local governments, local government associations, and State and Territory Local Government Grants Commissions and Government departments. Comment was invited by survey, workshop, and email. The department received more than 200 responses to the survey. The majority of responses expressed support for the existing model of funding distribution. Some suggestions were raised to use more current data and consider several additional factors when deciding on distribution between funding recipients. This feedback was considered and the instrument

distributes funding in the same way as the prior funding period, with a positive impact on stakeholders given a universal percentage funding increase.

Detailed impact analysis is not required (OIA24-06750).

**Details of the *National Land Transport (Roads to Recovery List) Determination 2024***

**Section 1 – *National Land Transport (Roads to Recovery List) Determination 2024***

This section provides that the name of the instrument is the *National Land Transport (Roads to Recovery List) Determination 2024*.

**Section 2 – Commencement**

This section provides for the instrument to commence on 1 July 2024.

**Section 3 – Authority**

This section provides that the instrument is made under subsection 87(1) of the *National Land Transport Act 2014*.

**Section 4 – Definitions**

This section provides definitions for terms not otherwise defined in the *National Land Transport Act 2014*.

**Section 5 – Funding period**

This section provides that the funding period in relation to the Roads to Recovery Program is the period commencing on 1 July 2024 and ending on 30 June 2029.

**Section 6 – Funding amounts and recipients**

This section provides for the funding amounts to be provided to the person or body (the funding recipients) during the funding period.

**Schedule 1 – Funding amounts**

Items in Schedule 1 designate the amount to be provided during the funding period, and the name of each funding recipient that is to receive funding.

**Schedule 2 – Funding recipients to be specified**

Item 1 in Schedule 2 sets aside an amount for a program of special projects (bridgeworks and Aboriginal access roads) within Western Australia. The bodies to receive that funding have not yet been decided.