

1983-84

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

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Presented and read a first time, 28 March 1984

*(Minister for Transport)*

**A BILL**

FOR

**An Act to amend the *Australian Bicentennial Road Development Trust Fund Act 1982***

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

**Short title, &c.**

5     **1. (1)** This Act may be cited as the *Australian Bicentennial Road Development Trust Fund Amendment Act 1984*.

**(2)** The *Australian Bicentennial Road Development Trust Fund Act 1982*<sup>1</sup> is in this Act referred to as the Principal Act.

**Commencement**

10     **2. (1)** This Act shall come into operation on the day on which it receives the Royal Assent.

**(2)** The amendments made by section 5 shall be deemed to have taken effect on 12 February 1984.

**Variation of percentages where State fails to maintain expenditure on roads**

**3. Section 12 of the Principal Act is amended—**

(a) by omitting sub-section (1) and substituting the following sub-sections:

“(1) In this section—

‘deficit year’, in relation to a State, means a year in respect of which the Minister gave, or could have given, a notice to the appropriate Minister of the State under sub-section (2);

‘relevant expenditure’, in relation to a State, means expenditure by the State and government authorities of the State, other than local government bodies, in respect of roads (including expenditure by the State or such government authorities by way of making payments to local government bodies in respect of roads) out of funds obtained otherwise than by virtue of—

(a) this Act;

(b) any other Act providing for a grant to the State of moneys for expenditure only in relation to roads; or

(c) the *Community Employment Act 1983*.

“(1A) If the Minister becomes satisfied that, during a financial year in the period commencing on 1 July 1982 and ending on 30 June 1988, the relevant expenditure of a State (including expenditure that is deemed to be relevant expenditure in the year by virtue of the operation of sub-section (1B)) was greater than it would have been if it had been maintained in real terms, the Minister shall give to the appropriate Minister of the State notice in writing stating that he has become so satisfied and specifying the amount by which he is satisfied that the relevant expenditure of the State during that year was greater than it would have been if it had been maintained in real terms.

“(1B) Where the Minister has given to a Minister of a State notice under sub-section (1A) in relation to a financial year, the relevant expenditure of the State in the immediately following financial year shall be deemed to be increased by—

(a) where the financial year immediately preceding the year to which the notice under sub-section (1A) relates is not a deficit year for that State, an amount equal to the amount specified in the notice; or

(b) where the financial year immediately preceding the year to which the notice under sub-section (1A) relates is a deficit year for that State, the amount (if any) by which the amount specified in the notice exceeds the amount that would have been required to maintain the relevant expenditure of the State in real terms in the period comprising the year to which the notice relates and the immediately preceding year.”; and

(b) by inserting in sub-section (2) “(including expenditure that is deemed to be relevant expenditure in the year by virtue of the operation of sub-section (1B))” after “State” (first occurring).

**Repeal of section 13**

4. Section 13 of the Principal Act is repealed.

**Additional conditions with respect to approved projects**

5. Section 23 of the Principal Act is amended—

- 5 (a) by inserting in paragraph (a) “a” before “bicentennial”;
- (b) by omitting from paragraph (a) “works by way of”;
- (c) by omitting from paragraph (a) “those works” and substituting  
“particular works involved in the activities referred to in  
sub-paragraph (i) or (ii), other than exempt works of the State,”; and
- 10 (d) by adding at the end thereof the following sub-section:

“(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—

- 15 (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;
- 20 (d) are of a kind for which competitive tenders are unlikely to be received;
- (e) are of a kind that are usually carried out by a Department of State of the Commonwealth or of a State or by a particular person by virtue of a law of the Commonwealth or of a State, not being a Department or a person responsible for the construction of roads; or
- 25 (f) would need to be carried out by the employees of a State or of a government authority responsible for the construction of roads in order to avoid the occurrence of a loss of employment by, or the inefficient deployment of, a substantial number of those employees, even if the State or authority were to take all practicable steps to avoid that occurrence.”.
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**NOTE**

1. No. 133, 1982.

