

HOUSE OF REPRESENTATIVES

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*(As read a first time)*

**AUSTRALIAN BICENTENNIAL ROAD DEVELOPMENT TRUST  
FUND BILL 1982**

**TABLE OF PROVISIONS**

**PART I—PRELIMINARY**

Clause

1. Short title
2. Commencement
3. Object of Act
4. Interpretation
5. Declaration of roads
6. Standards for national roads

**PART II—AUSTRALIAN BICENTENNIAL ROAD DEVELOPMENT TRUST  
FUND**

7. Australian Bicentennial Road Development Trust Fund
8. Moneys to be paid into Road Fund
9. Application of Road Fund
10. Variation of percentages for arterial roads at request of State
11. Increase of funds for national roads
12. Variation of percentages where State fails to maintain expenditure on roads
13. Variation of percentages where State fails to maintain capital expenditure on urban public transport systems
14. Time and manner of payments
15. Condition of payment of financial assistance out of Road Fund
16. Closing of Road Fund

TABLE OF PROVISIONS—*continued*

Clause

PART III—PROJECTS OF ROAD CONSTRUCTION

- 17. Approval of projects
- 18. Variation of projects, & c.
- 19. Allocations of Road Fund to local government bodies

PART IV—CONDITIONS OF PAYMENTS

- 20. Minister may require State to furnish information
- 21. Statements of expenditure, & c., to be furnished
- 22. Condition relating to expenditure of moneys paid out of Road Fund
- 23. Additional conditions with respect to approved projects

PART V—MISCELLANEOUS

- 24. Deduction of amount repayable by State
- 25. Moneys repaid to Commonwealth
- 26. Delegations
- 27. Report by Minister

SCHEDULE 1

Limit of allocations for urban arterial roads

SCHEDULE 2

Limit of allocations for rural arterial roads

SCHEDULE 3

Limit of allocations for local roads

1980-81-82

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

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Presented and read a first time, 14 October 1982

*(Minister for Transport and Construction)*

## A BILL

FOR

**An Act to establish a Trust Fund for the purpose of the grant of financial assistance to the States and to the Northern Territory for expenditure on upgrading Australian roads in celebration of the Bicentenary in 1988, and for related purposes**

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

### PART I—PRELIMINARY

#### Short title

- 5      1. This Act may be cited as the *Australian Bicentennial Road Development Trust Fund Act 1982*.

#### Commencement

2. This Act shall come into operation on the day on which it receives the Royal Assent.

**Object of Act**

3. The object of this Act is to establish an Australian Bicentennial Road Development Trust Fund for the purpose of providing funds for a program of projects for the construction of roads, to be known as the Australian Bicentennial Road Development Program, being a program that, during the period that commenced on 17 August 1982 and ends in, or soon after, the Bicentennial year, will— 5

- (a) in accordance with national priorities, upgrade the road network in Australia to facilitate the reliable and efficient carriage of road traffic; 10
- (b) enhance the safety of Australian roads;
- (c) bring the national highway system that links the main centres of population to a standard that will meet the growing transport needs of Australia;
- (d) accelerate the construction of developmental roads, including roads of importance for national tourism; 15
- (e) assist the development of urban and rural arterial roads; and
- (f) enable appropriate authorities to upgrade local road systems.

**Interpretation**

4. (1) In this Act, unless the contrary intention appears—  
“arterial road” means— 20

- (a) an urban arterial road; or
- (b) a rural arterial road;

“bicentennial road project” means a project that has been approved by the Minister under section 17;

“Bicentennial year” means the year 1988; 25

“construction”, in relation to a road, includes—

- (a) the reconstruction or realignment of the road;
- (b) the bringing of the road to a higher standard;
- (c) investigation and associated engineering studies in connection with— 30
  - (i) the construction, reconstruction or realignment of the road;
  - (ii) the bringing of the road to a higher standard; or
  - (iii) the planning of alternative routes for the road;
- (d) the acquisition of land for the purpose of— 35
  - (i) constructing, reconstructing or realigning the road; or
  - (ii) bringing the road to a higher standard; and
- (e) the doing of any other thing in relation to a matter specified in paragraph (a) or (b) approved by the Minister for the purposes of this definition, 40

but does not include the maintenance of the road;

“developmental road” means a road, or proposed road, in respect of which—

- (a) a declaration under sub-section 5 (3); or
- (b) a declaration under sub-section 5 (3) of the *Roads Grants Act 1981*,

is in force;

“expend”, in relation to a bicentennial road project, includes expend by way of the payment of wages for work on the project;

“government authority” means—

- (a) a local government body; or
- (b) an authority of a State, being an incorporated body but not being a local government body, that is responsible for the construction of local roads in an area of the State;

“local road” means a road, or part of a road, that is not a national road or an arterial road;

“maintenance”, in relation to a road, includes the repair of the road;

“national highway” means a road or proposed road in respect of which—

- (a) a declaration under sub-section 5 (1) or (2); or
- (b) a declaration under sub-section 5 (1) or (2) of the *Roads Grants Act 1981*,

is in force;

“national road” means a national highway or a developmental road, or a part of a national highway or developmental road;

“prescribed adjunct”, in relation to a road, means—

- (a) a road sign;
- (b) traffic control equipment;
- (c) street lighting equipment;
- (d) a vehicular ferry;
- (e) a bridge or tunnel, including a bridge or tunnel for the use of pedestrians;
- (f) a path for the use of persons riding bicycles;
- (g) a ramp provided to facilitate the launching of boats;
- (h) vehicular access from a road to a ramp referred to in paragraph (g); or
- (j) any other thing approved by the Minister for the purposes of this definition,

associated with that road;

“Road Fund” means the Australian Bicentennial Road Development Trust Fund established by section 7;

“rural arterial road” means a road, or proposed road, in respect of which a declaration under sub-section 5 (5) is in force;

“urban area” means an area designated for the purposes of the Census taken in the year 1976 as—

- (a) the Sydney Statistical Division;
- (b) the Melbourne Statistical Division;
- (c) the Brisbane Statistical Division;
- (d) the Adelaide Statistical Division;
- (e) the Perth Statistical Division; 5
- (f) the Hobart Statistical Division;
- (g) the Darwin Statistical Division;
- (h) the Newcastle Statistical District;
- (j) the Wollongong Statistical District;
- (k) the Geelong Statistical District; 10
- (l) Urban Ballarat;
- (m) Urban Bendigo;
- (n) Urban Townsville;
- (o) Urban Toowoomba;
- (p) Urban Gold Coast; 15
- (q) Urban Rockhampton; or
- (r) Urban Launceston;

“urban arterial road” means a road, or proposed road, in respect of which a declaration under sub-section 5 (4) is in force;

“urban public transport system” means a public transport system in an urban area; 20

“State” includes the Northern Territory.

(2) For the purposes of this Act, where a project is for both the construction of a road and the doing of any thing, otherwise than by way of maintenance or repair, in relation to a prescribed adjunct of the road, the project shall be taken to be a project for the construction of the road. 25

(3) Where the Minister is satisfied that a project by way of capital expenditure in relation to an urban public transport system in a State (whether or not the system involves the use of roads)—

- (a) would, if undertaken, result in the reduction of the traffic on, or the wear and tear affecting, urban arterial roads in the State; and 30
- (b) is a project that that State regards as one that should be given priority, this Act applies in relation to that project in like manner as it applies in relation to a project for the construction of an urban arterial road.

(4) A reference in this Act to the expenditure of moneys on the carrying out of a bicentennial road project for the construction of a national road is a reference to the expenditure of money on the carrying out of such a project in accordance with any standards applicable to the road by virtue of a notification in force under section 6. 35

(5) An amount paid by a State to a government authority for a particular purpose and expended by that authority for that purpose shall, for the purposes of this Act, be deemed to have been expended by the State for that purpose. 40

(6) For the purposes of this Act, where an amount is expended by a State or a government authority by way of the payment of wages and an amount of tax is paid by the State or the authority (whether by way of a payment of moneys, the crediting of an account or otherwise) on those wages, being a tax imposed by a law of the State upon employers on wages paid by them, the amount of tax shall be deemed to be an additional amount of those wages.

(7) In sub-section (6), "wages" includes payments in the nature of wages.

(8) Subject to sub-section (6), for the purposes of this Act, moneys paid or credited by a State to a trust account or other account in the Treasury of the State shall not be taken, by reason only of their having been so paid or credited, to have been expended by the State.

### **Declaration of roads**

5. (1) The Minister may declare a road in a State that constitutes, or a proposed road in a State that would, if constructed, constitute, a part of the road that, in the opinion of the Minister, is or will be the principal road linking—

- (a) 2 or more State capital cities;
- (b) a State capital city and Canberra;
- (c) Brisbane and Cairns; or
- (d) Hobart and Burnie,

to be a national highway for the purposes of this Act.

(2) The Minister may declare a road in a State that constitutes, or a proposed road in a State that would, if constructed, constitute, a road that should, in the opinion of the Minister, be treated, by reason of its national importance, as a national highway for the purposes of this Act to be, for those purposes, a national highway.

(3) Where the Minister is of the opinion—

(a) that a road or a proposed road in a State is of use or would, if constructed, be of use—

- (i) in the development of particular industries or particular energy resources (including industries or energy resources in remote areas of Australia);
- (ii) in facilitating or developing trade or commerce with other countries or among the States; or
- (iii) in facilitating, to a significant extent, travel for tourist purposes; and

(b) that, for that reason, the road is, or the proposed road would, if constructed, be, of national importance,

the Minister may declare the road or the proposed road to be a developmental road for the purposes of this Act.

(4) The Minister may declare a road, or a proposed road, in a State—

- (a) that is predominantly associated with an urban area; and

- (b) that forms part of a network of roads the main function of which is to carry traffic into or across an urban area or between the localities within an urban area,

to be an urban arterial road for the purposes of this Act.

- (5) The Minister may declare a road, or a proposed road, in a State— 5

- (a) that is not in an urban area; and
- (b) the main function of which is to carry traffic between or through major regions, closely settled areas, cities or towns,

to be a rural arterial road for the purposes of this Act.

- (6) The Minister may revoke or vary a declaration made under this section. 10

### **Standards for national roads**

6. (1) For the purpose of ensuring that this Act is conducive to the construction of national roads that are of an adequate standard, the Minister may, from time to time—

- (a) request a State to furnish such information as the Minister specifies relating to the use or likely use of national roads, including the effect on the likely use of national roads of works that the State is carrying out or proposes to carry out by way of the construction or maintenance of other roads in the State; and 15
- (b) notify to a State standards, applicable either generally or otherwise as specified in the notification, that the Minister considers necessary to be observed in connection with the construction of national roads. 20

(2) The Minister may revoke or vary a notification given to a State under sub-section (1).

## **PART II—AUSTRALIAN BICENTENNIAL ROAD DEVELOPMENT TRUST FUND** 25

### **Australian Bicentennial Road Development Trust Fund**

7. (1) An account is hereby established to be known as the Australian Bicentennial Road Development Trust Fund.

(2) The Road Fund is a Trust Account for the purposes of section 62A of the *Audit Act 1901*. 30

### **Moneys to be paid into Road Fund**

8. (1) Subject to sub-section (2), there shall be paid into the Road Fund, out of the Consolidated Revenue Fund, which is appropriated accordingly, amounts equal to— 35

- (a) so much of each amount paid to the Commonwealth as duty of Excise, or duty of Customs, in respect of motor spirit, or diesel fuel, entered for home consumption after the relevant time and before 1 July 1983 as bears to the amount the same proportion as 1 cent per litre bears to the



rate of duty, expressed in cents per litre, by reference to which the amount was ascertained; and

- 5 (b) so much of each amount paid to the Commonwealth as duty of Excise, or duty of Customs, in respect of motor spirit, or diesel fuel, entered for home consumption after 30 June 1983 and before 1 January 1989 as bears to the amount the same proportion as 2 cents per litre bears to the rate of duty, expressed in cents per litre, by reference to which the amount was ascertained.

10 (2) The sum of the amounts that, but for this sub-section, would, under sub-section (1), be payable into the Road Fund shall be reduced by the sum of amounts equal to—

- 15 (a) so much of each amount paid as duty of Excise, or duty of Customs, in respect of motor spirit, or diesel fuel, entered for home consumption after the relevant time and before 1 July 1983 and repaid to a person by the Commonwealth by way of rebate or otherwise as bears to the amount the same proportion as 1 cent per litre bears to the rate of duty, expressed in cents per litre, by reference to which the amount was ascertained; and

- 20 (b) so much of each amount paid as duty of Excise, or duty of Customs, in respect of motor spirit, or diesel fuel, entered for home consumption after 30 June 1983 and before 1 January 1989, and repaid to a person by the Commonwealth by way of rebate or otherwise as bears to the amount the same proportion as 2 cents per litre bears to the rate of duty, expressed in cents per litre, by reference to which the amount was ascertained.

(3) For the purposes of sub-sections (1) and (2), where 2 or more parts of an amount paid as duty were ascertained by reference to different rates of duty, each of those parts shall be taken to be a separate amount so paid.

30 (4) There shall be paid into the Road Fund interest from the investment of moneys standing to the credit of that Fund.

(5) Moneys paid into the Road Fund by virtue of sub-section (4) shall, for the purposes of this Act, be taken to be amounts paid into the Road Fund by virtue of whichever of paragraph (1) (a) or paragraph (1) (b) the Minister considers to be appropriate.

35 (6) In this Act—

- (a) a reference to the sum of the amounts paid into the Road Fund by virtue of paragraph (1) (a) shall be read as a reference to the difference between—

- 40 (i) the sum of the amounts that, but for sub-section (2), would have been paid into the Road Fund, under paragraph (1) (a), and the amounts taken, by virtue of sub-section (5), to have been paid into the Road Fund by virtue of paragraph (1) (a); and

- (ii) the sum of the amounts by which payments into the Road Fund were reduced in accordance with paragraph (2) (a); and
- (b) a reference to the sum of the amounts paid into the Road Fund by virtue of paragraph (1) (b) shall be read as a reference to the difference between—
  - (i) the sum of the amounts that, but for sub-section (2), would, under paragraph (1) (b), have been paid into the Road Fund and the amounts taken, by virtue of sub-section (5), to have been paid into the Road Fund by virtue of paragraph (1) (b); and
  - (ii) the sum of the amounts by which payments into the Road Fund were reduced in accordance with paragraph (2) (b).

(7) In this section, “relevant time” means the hour of 8 o’clock in the evening by standard time in the Australian Capital Territory on 17 August 1982.

### **Application of Road Fund**

9. (1) Subject to this section, amounts standing to the credit of the Road Fund may be paid out of that Fund to a State by way of the grant of financial assistance for expenditure by the State on bicentennial road projects for the construction of roads in the State.

(2) Subject to section 11, the sum of the amounts paid out of the Road Fund, before 1 January 1989, to States by way of the grant of financial assistance for expenditure by the States on bicentennial road projects for the construction of national roads in the States shall not exceed, in the aggregate, an amount equal to the sum of—

- (a) 40% of the sum of the amounts paid into the Road Fund by virtue of paragraph 8 (1) (a); and
- (b) 42% of the sum of the amounts paid into the Road Fund by virtue of paragraph 8 (1) (b).

(3) The sum of the amounts paid out of the Road Fund, before 1 January 1989, to a State specified in column 1 of Schedule 1 by way of the grant of financial assistance for expenditure by the State on bicentennial road projects for the construction of urban arterial roads in the State shall not exceed, in the aggregate, an amount equal to the percentage specified in column 2 of that Schedule opposite to the name of that State of the sum of the amounts paid into the Road Fund by virtue of paragraph 8 (1) (a) or (b).

(4) The sum of the amounts paid out of the Road Fund, before 1 January 1989, to a State specified in column 1 of Schedule 2 by way of the grant of financial assistance for expenditure by the State on bicentennial road projects for the construction of rural arterial roads in the State shall not exceed, in the aggregate, an amount equal to the sum of—

- (a) the percentage specified in column 2 of that Schedule opposite to the name of that State of the sum of the amounts paid into the Road Fund by virtue of paragraph 8 (1) (a); and

- (b) the percentage specified in column 3 of that Schedule opposite to the name of that State of the sum of the amounts paid into the Road Fund by virtue of paragraph 8 (1) (b).

5 (5) The sum of the amounts paid out of the Road Fund, before 1 January 1989, to a State specified in column 1 of Schedule 3 by way of the grant of financial assistance for expenditure by the State on bicentennial road projects for the construction of local roads in the State shall not exceed, in the aggregate, an amount equal to the sum of—

- 10 (a) the percentage specified in column 2 of that Schedule opposite to the name of that State of the sum of the amounts paid into the Road Fund by virtue of paragraph 8 (1) (a); and
- (b) the percentage specified in column 3 of that Schedule opposite to the name of that State of the sum of the amounts paid into the Road Fund by virtue of paragraph 8 (1) (b).

15 **Variation of percentages for arterial roads at request of State**

10. (1) Subject to sub-section (2), where a State satisfies the Minister that the object of this Act would be furthered if the percentage specified in column 2 in Schedule 1, and a percentage specified in column 2 or 3 in Schedule 2, opposite to the name of that State were to be varied in ways specified by the State, the Minister may direct that those percentages be so varied and, where he gives such a direction, those percentages shall be deemed to be varied accordingly.

20 (2) The Minister shall not, under sub-section (1), give a direction that percentages specified in columns in Schedules be varied in ways that could result in—

- 25 (a) a variation of the total amount that could be paid to a State in accordance with sub-sections 9 (3) and (4);
- (b) a variation of the sum of—
  - 30 (i) the percentages specified in column 2 of Schedule 1; and
  - (ii) the percentages specified in column 2 of Schedule 2; or
- (c) a variation of the sum of—
  - (i) the percentages specified in column 2 of Schedule 1; and
  - (ii) the percentages specified in column 3 of Schedule 2.

35 (3) Where, under sub-section (1), the Minister gives a direction that a percentage specified in a column in a Schedule be varied, the total of the percentages in that column shall be deemed to be varied accordingly.

**Increase of funds for national roads**

40 11. (1) Where the Minister and the appropriate Minister of a State agree that, having regard to the object of this Act, it is desirable that an amount (in this sub-section referred to as the “agreed amount”) standing to the credit of the Road Fund should be expended on a bicentennial road project for the construction of a national road in the State instead of being expended on bicentennial road projects for the construction of arterial roads, the Minister,

for the purpose of giving effect to the agreement, may direct that a percentage specified in column 2 in Schedule 1 or column 2 or 3 in Schedule 2, or 2 or more percentages so specified, opposite to the name of that State be reduced so that there is a reduction by the agreed amount of the total amount that may be paid to that State out of the Road Fund for expenditure on bicentennial road projects for the construction of arterial roads and, where the Minister gives such a direction, the percentage or percentages shall be deemed to be reduced accordingly and the agreed amount may be paid out of the Road Fund to that State by way of the grant of financial assistance for expenditure by that State on that bicentennial road project for the construction of a national road.

(2) Where, under sub-section (1), the Minister gives a direction that a percentage specified in a column in a Schedule be reduced, the total of the percentages in that column shall be deemed to be reduced accordingly.

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

12. (1) In this section, “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 this Act or any other Act providing for a grant to the State of moneys for expenditure only in relation to roads.

(2) If the Minister becomes satisfied that, during a financial year ending after 17 August 1982 and on or before 30 June 1988, or during the period of 6 months ending on 31 December 1988, the relevant expenditure of a State was not maintained in real terms, the Minister may 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 the year or period was less than it would have been if it had been maintained in real terms.

(3) If the Minister—

(a) has given to a Minister of a State notice under sub-section (2) in relation to a financial year; and

(b) becomes satisfied that, during the period comprised by that year and the immediately following year, the relevant expenditure of the State was not maintained in real terms,

the Minister may direct that percentages specified in a column or columns in any of the Schedules be varied so that there is a reduction in the amount that may be paid to the State out of the Road Fund, and an increase in the amount that may be paid to other States out of the Road Fund, by—

(c) in a case to which paragraph (d) does not apply, the amount specified in the notice; or

(d) if the Minister is satisfied that the relevant expenditure of the State in that immediately following year was greater than it would have been if it had been maintained in real terms, the amount ascertained in accordance with the formula  $A - (B - C)$  where—

A is the amount specified in the notice;

B is the amount of the relevant expenditure of the State in that immediately following year; and

C is the amount that the Minister is satisfied would have been the amount of the relevant expenditure of the State in that immediately following year if that expenditure had been maintained in real terms.

(4) For the purposes of this section—

(a) a reference to the comparative period, in relation to a State, shall be construed as a reference to such period before 1 July 1982 as the Minister considers to be appropriate to take into account in relation to that State;

(b) a reference to the relevant expenditure of a State during a period not having been maintained in real terms shall be construed as a reference to that expenditure having been in real terms less than the relevant expenditure of the State during the comparative period;

(c) a reference to the relevant expenditure of a State during a period having been maintained in real terms shall be construed as a reference to that expenditure having been in real terms the same as the relevant expenditure of the State during the comparative period; and

(d) in comparing the relevant expenditures in real terms of a State during 2 periods, the Minister shall have regard to the index published by the Australian Statistician known as the Implicit Price Deflator for Private Non-dwelling Construction and to such other information as he considers relevant.

(5) Where, under sub-section (3), the Minister gives a direction that a percentage or percentages specified in a column in a Schedule be varied, the total of the percentages in that column shall be deemed to be varied accordingly.

### **Variation of percentages where State fails to maintain capital expenditure on urban public transport systems**

13. (1) In this section—

“prescribed State” means a State in which a bicentennial road project by way of capital expenditure in relation to an urban public transport system to which sub-section 4 (3) applies is to be, is being, or has been, undertaken;

“relevant capital expenditure”, in relation to a prescribed State, means capital expenditure by the State and government authorities of the State in relation to urban public transport systems (not being expenditure in respect of roads) out of funds obtained otherwise than by virtue of this Act, the *States Grants (Urban Public Transport) Act 1978* or the *States Grants (Urban Public Transport) Act 1974*.

(2) If the Minister becomes satisfied that, during a financial year ending after 17 August 1982 and on or before 30 June 1988, or during the period of 6 months ending on 31 December 1988, the relevant capital expenditure of a

prescribed State was not maintained in real terms, the Minister may 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 capital expenditure of the State during the year or period was less than it would have been if it had been maintained in real terms. 5

(3) If the Minister—

(a) has given to a Minister of a State notice under sub-section (2) in relation to a financial year; and

(b) becomes satisfied that, during the period comprised by that year and the immediately following year, the relevant capital expenditure of the State was not maintained in real terms, 10

the Minister may direct that percentages specified in a column or columns in any of the Schedules be varied so that there is a reduction in the amount that may be paid to the State out of the Road Fund, and an increase in the amount that may be paid to other States out of the Road Fund, by— 15

(c) in a case to which paragraph (d) does not apply, the amount specified in the notice; or

(d) if the Minister is satisfied that the relevant capital expenditure of the State in that immediately following year was greater than it would have been if it had been maintained in real terms, the amount ascertained in accordance with the formula  $A-(B-C)$  where— 20

A is the amount specified in the notice;

B is the amount of the relevant capital expenditure of the State in that immediately following year; and

C is the amount that the Minister is satisfied would have been the amount of the relevant capital expenditure of the State in that immediately following year if that expenditure had been maintained in real terms. 25

(4) For the purposes of this section—

(a) a reference to the comparative period, in relation to a State, shall be construed as a reference to such period before 1 July 1982 as the Minister considers to be appropriate to take into account in relation to that State; 30

(b) a reference to the relevant capital expenditure of a State during a period not having been maintained in real terms shall be construed as a reference to that expenditure having been in real terms less than the relevant capital expenditure of the State during the comparative period; 35

(c) a reference to the relevant capital expenditure of a State during a period having been maintained in real terms shall be construed as a reference to that expenditure having been in real terms the same as the relevant capital expenditure of the State during the comparative period; and 40

(d) in comparing the relevant capital expenditures in real terms of a State during 2 periods, the Minister shall have regard to the index published 45

by the Australian Statistician known as the Implicit Price Deflator for Private Non-dwelling Construction and to such other information as he considers relevant.

5 (5) Where, under sub-section (3), the Minister gives a direction that a percentage or percentages specified in a column in a Schedule be varied, the total of the percentages in that column shall be deemed to be varied accordingly.

#### **Time and manner of payments**

10 **14. (1)** Payments to a State out of the Road Fund shall be made at such times, and in such amounts, as the Minister approves.

15 (2) In considering whether he should approve a payment to a State under sub-section (1), the Minister shall have regard to the costs that have been incurred by the State in respect of bicentennial road projects, and his powers under that sub-section extend to approving payments in respect of approved projects that have not been completed.

(3) Where a payment is made to a State out of the Road Fund, the payment shall be accompanied by a statement specifying a class of bicentennial road projects in respect of which the payment may be expended.

(4) In this section, "class of bicentennial road projects" means—

- 20 (a) the class consisting of bicentennial road projects for the construction of national roads;
- (b) the class consisting of bicentennial road projects for the construction of urban arterial roads;
- 25 (c) the class consisting of bicentennial road projects for the construction of rural arterial roads; or
- (d) the class consisting of bicentennial road projects for the construction of local roads.

#### **Condition of payment of financial assistance out of Road Fund**

30 **15.** A payment of moneys to a State out of the Road Fund is subject to the condition that the State will expend the moneys in carrying out bicentennial road projects included in the class of bicentennial road projects (within the meaning of section 14) specified in the statement under sub-section 14 (3) that accompanied the payment.

#### **Closing of Road Fund**

35 **16.** The Road Fund shall be closed on the expiration of 31 December 1989 and any moneys standing to the credit of the Road Fund at the time when it is closed shall be paid to a State or States by way of the grant of financial assistance for expenditure by the State or States on bicentennial road projects.

### PART III—PROJECTS OF ROAD CONSTRUCTION

#### Approval of projects

17. (1) The Minister may, from time to time, request a State to submit particulars of projects for the construction of roads to be undertaken in the State that it wishes to form part of the Australian Bicentennial Road Development Program. 5

(2) The Minister may, in a request made to a State under sub-section (1), inform the State that he considers that a project specified in the request should form part of the Australian Bicentennial Road Development Program and that particulars of that project should be submitted to him in accordance with the request. 10

(3) Subject to sub-section (6), where a State, in accordance with a request made to it under sub-section (1), submits to the Minister particulars of a project, the Minister may approve the project.

(4) A project referred to in sub-section (1), (2) or (3) may be— 15

(a) a project that was commenced, but not completed, before the commencement of this Act; or

(b) a project part of the cost of which it is proposed to meet out of funds obtained otherwise than out of the Road Fund.

(5) Where a State submits particulars of a project under sub-section (3), those particulars shall include an estimate of the cost of the project and particulars of any part of that cost that it is proposed to meet out of funds obtained otherwise than out of the Road Fund. 20

(6) The Minister shall not approve a project under sub-section (3) unless he is satisfied— 25

(a) that the undertaking of the project would further the purpose of the Road Fund; and

(b) that, having regard to the costs of bicentennial road projects to be met by payments out of the Road Fund, the costs in relation to the project that are proposed to be met by payments out of the Road Fund could be met by such payments made in accordance with section 9. 30

#### Variation of projects, &c.

18. (1) Subject to sub-section (2), the Minister may, in accordance with procedures determined by him—

(a) approve a variation of a bicentennial road project; 35

(b) approve a variation of the estimated cost of a bicentennial road project; or

(c) approve a variation of the costs in relation to a bicentennial road project that are to be met by payments out of the Road Fund.



(2) The Minister shall not approve a variation under sub-section (1) if he considers—

- (a) that the variation would not further the purpose of the Road Fund; or
- (b) that, having regard to the cost of bicentennial road projects to be met by payments out of the Road Fund, the variation would result in the costs in relation to a bicentennial road project that are to be met by payments out of the Road Fund being such that they could not be met by payments made in accordance with section 9.

#### **Allocations of Road Fund to local government bodies**

19. (1) Moneys expended by a State by way of funding government authorities to carry out bicentennial road projects for the construction of local roads shall not be taken to have been expended in accordance with this Act unless the moneys are allocated by the State between local government bodies and government authorities that are not local government bodies in accordance with—

- (a) where the State has formulated principles for the purposes of this section and the Minister has approved those principles—those principles; or
- (b) in any other case—principles determined by the Minister.

(2) The Minister shall not determine principles for the purposes of sub-section (1) in relation to a State unless and until—

- (a) the appropriate Minister of the State has informed him that the State does not propose to formulate principles for the purposes of that sub-section; or
- (b) the Minister has, by notice in writing, requested the appropriate Minister of the State to arrange for the formulation of such principles within a specified time and, within that time, the State has not formulated such principles or has not formulated such principles that the Minister is prepared to approve.

### **PART IV—CONDITIONS OF PAYMENTS**

#### **Minister may require State to furnish information**

20. (1) In addition to the conditions specified in any other provision of this Act, a payment of a grant of financial assistance to a State out of the Road Fund is subject to the condition that the appropriate Minister of the State will comply with any requirement of the Minister made of him in accordance with sub-section (2).

(2) The Minister may, by notice in writing, require the appropriate Minister of a State to furnish to him, within the time specified in the notice, such information in relation to roads and urban public transport systems as is specified in the notice.

**Statements of expenditure, &c., to be furnished**

21. In addition to the conditions specified in any other provision of this Act, payment of an amount to a State out of the Road Fund is subject to the following conditions:

- (a) that the State will furnish to the Minister— 5
  - (i) as soon as practicable after 30 June in each year, a statement, in accordance with a form approved by the Minister, as to—
    - (A) the expenditure by the State during that year out of that amount;
    - (B) where that amount or part of that amount has been paid to a government authority—the expenditure by the government authority during that year out of that amount or that part of that amount; and 10
    - (C) any sum set aside during that year out of that amount for expenditure by the State but not expended during that year; and 15
  - (ii) if the Minister so directs, a certificate by the Auditor-General of the State certifying that, in his opinion, such of the contents of a statement referred to in sub-paragraph (i) as the Minister specifies are correct; and 20
- (b) that, if the Minister informs the Treasurer of the State that he is satisfied that the State has failed, with respect to that amount, to fulfil the condition specified in paragraph (a), the State will repay that amount, or such part of that amount as the Minister specifies, to the Commonwealth. 25

**Condition relating to expenditure of moneys paid out of Road Fund**

22. In addition to the conditions specified in any other provision of this Act, a payment of a grant of financial assistance to a State out of the Road Fund is subject to the condition that, if any amount or amounts paid to the State by way of a grant of financial assistance out of the Road Fund has not or have not been wholly expended or otherwise dealt with in accordance with this Act, the State will, on demand by the Minister, pay to the Commonwealth an amount specified by the Minister, being an amount not greater than so much of the sum of the amount or amounts so paid to the State as has not been so expended or otherwise dealt with. 30 35

**Additional conditions with respect to approved projects**

23. In addition to the conditions specified in any other provision of this Act, a payment of a grant of financial assistance to a State out of the Road Fund is subject to the following conditions:

- (a) that, where moneys paid to the State in accordance with the grant are required by virtue of this Act to be expended on the carrying out of bicentennial road project for the construction of a national road, of an urban arterial road or of a rural arterial road, being a project that will involve works by way of— 40

- (i) the construction, reconstruction or realignment of the road; or
  - (ii) the bringing of the road to a higher standard,
- the State will invite, and deal with, tenders for those works in accordance with procedures approved by the Minister;
- 5 (b) that, where moneys paid to the State in accordance with the grant are required by virtue of this Act to be expended in relation to a project by way of capital expenditure in relation to an urban public transport system to which sub-section 4 (3) applies, being a project that will involve the performance of works, or the purchase of goods, for which
- 10 it is appropriate to invite tenders, the State will invite, and deal with, tenders for those works or goods in accordance with procedures approved by the Minister;
- (c) that the State will, if requested by the Minister to do so, enter into an arrangement with the Minister for the setting up of a committee of
- 15 persons representing both the Minister and the appropriate Minister of the State to carry out planning and furnish advice to both Ministers in connection with the Australian Bicentennial Road Development Program in so far as it relates to the State;
- (d) that the State will ensure that signs are erected, and maintained until
- 20 1 January 1989, at locations determined by the Minister at or near the places where bicentennial road projects are being, or have been, undertaken, being signs of a size and style determined by the Minister, and having wording, determined by the Minister, that indicates that the project is a project that is being funded out of the Road Fund;
- 25 (e) that the State will, at all reasonable times, permit a person authorized by the Minister—
- (i) to inspect any work involved in the carrying out of a bicentennial road project;
  - (ii) to carry out reasonable tests on any work that has been or is

30 being carried out on a bicentennial road project for the construction of a national road, being tests designed to ascertain whether the work has been or is being carried out in accordance with the standards (if any) applicable to that work in accordance with section 6; and

  - (iii) to inspect and make copies of, or take extracts from, any plans,

35 designs, tenders, records or other documents relating to a bicentennial road project;
- (f) that the State will make provision satisfactory to the Minister for the provision and maintenance of roads connecting the national roads in
- 40 the State with other roads in the State;
- (g) that the State will not, without the consent of the Minister, cause or permit a toll or fee to be charged for the right to travel in a vehicle on or over a particular part of a national road, or an arterial road, in respect of which any payment has been made out of the Road Fund;
- 45 and

- (h) that, if the Minister informs the Treasurer of the State that he is satisfied that the State has failed to fulfil a condition specified in a preceding paragraph or in section 20, the State will repay to the Commonwealth the amount of the financial assistance paid to it, or such part of that amount as the Minister specifies. 5

## PART V—MISCELLANEOUS

### **Deduction of amount repayable by State**

24. The Minister may deduct any amount repayable by a State under this Act from an amount payable to the State out of the Road Fund.

### **Moneys repaid to Commonwealth**

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25. Any moneys repaid to the Commonwealth by a State under this Act shall be paid into the Road Fund.

### **Delegations**

26. (1) The Minister may, either generally or as otherwise provided by the instrument of delegation, by writing signed by him, delegate to an officer of the Australian Public Service any of his powers under sections 6, 14, 18 and 20, sub-sections 17 (1) and (3) and paragraphs 23 (d) and (e). 15

(2) A power so delegated, when exercised by the delegate, shall, for the purposes of this Act, be deemed to have been exercised by the Minister.

(3) A delegation under this section does not prevent the exercise of a power by the Minister. 20

### **Report by Minister**

27. The Minister shall, as soon as practicable after 30 June in each year, cause a report setting out details of—

(a) the progress made in carrying out the Australian Bicentennial Road Development Program; 25

(b) the moneys paid into the Road Fund; and

(c) the moneys paid out of the Road Fund,

to be laid before each House of the Parliament.

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**SCHEDULE 1**

Sub-section 9 (3)

Limit of allocations for urban arterial roads

Column 1 State	Column 2 Percentage
New South Wales	8.76
Victoria	7.14
Queensland	6.51
South Australia	2.28
Western Australia	3.90
Tasmania	1.11
Northern Territory	0.30
	30.00

**SCHEDULE 2**

Sub-section 9 (4)

Limit of allocations for rural arterial roads

Column 1 State	Column 2 Percentage 1982-1983	Column 3 Percentage 1983-1988
New South Wales	4.380	4.672
Victoria	3.570	3.808
Queensland	3.255	3.472
South Australia	1.140	1.216
Western Australia	1.950	2.080
Tasmania	0.555	0.592
Northern Territory	0.150	0.160
	15.00	16.00

**SCHEDULE 3**

Sub-section 9 (5)

Limit of allocations for local roads

Column 1 State	Column 2 Percentage 1982-1983	Column 3 Percentage 1983-1988
New South Wales	4.290	3.432
Victoria	3.000	2.400
Queensland	2.925	2.340
South Australia	1.155	0.924
Western Australia	2.175	1.740
Tasmania	0.765	0.612
Northern Territory	0.690	0.552
	15.00	12.00

