

1987

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA
HOUSE OF REPRESENTATIVES

Presented and read a first time, 15 September 1987

(Minister representing the Minister for Transport and Communications)

A BILL

FOR

An Act to amend the *Australian Land Transport (Financial Assistance) Act 1985*, 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:

Short title etc.

5 1. (1) This Act may be cited as the *Australian Land Transport (Financial Assistance) Amendment Act 1987*.

 (2) In this Act, "Principal Act" means the *Australian Land Transport (Financial Assistance) Act 1985*¹.

Commencement

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

Interpretation

 3. Section 3 of the Principal Act is amended:

15 (a) by omitting from subsection (1) the definition of "approved organization" and substituting the following definition:

 " 'approved organisation' means:

- (a) an approved research organisation;
- (b) an approved road safety organisation; or
- (c) an approved administrative organisation;" and

- (b) by inserting in subsection (1) the following definition in its appropriate alphabetical position (determined on a letter-by-letter basis):

“‘approved administrative organisation’ means an organisation in respect of which a declaration under subsection 8 (2A) is in force;”.

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Declaration of approved research organisations, approved road safety organisations and approved administrative organisations

4. Section 8 of the Principal Act is amended:

- (a) by inserting after subsection (2) the following subsection:

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“(2A) The Minister may declare an organisation that incurs, or that proposes to incur, administrative costs (including payments in the nature of salary) that relate directly to land transport administration to be an approved administrative organisation for the purposes of this Act.”; and

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- (b) by omitting from subsection (3) “subsection (1) or (2)” and substituting “this section”.

Modification of rate applicable under section 14 in 1986-87

5. Section 14A of the Principal Act is amended by inserting in subsection (1) “to 30 June 1987” after “1 July 1986”.

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6. After section 14A of the Principal Act the following section is inserted:

Modification of rate applicable under section 14 from July 1987

- “14B. (1) Notwithstanding section 14, this Act shall be deemed to have had effect from 1 July 1987 as if the relevant rate were 3.241 cents per litre.

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- “(2) Nothing in subsection (1) affects the validity of a payment made before the commencement of this section.”.

Indexation of relevant rate

7. (1) Section 15 of the Principal Act is amended by inserting in paragraph (4) (b) “after 30 June 1987” after “section”.

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- (2) Nothing in this section affects applications of section 15 of the Principal Act before the commencement of this Act in respect of rates applicable before that commencement.

Application of Fund

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8. Section 16 of the Principal Act is amended:

- (a) by omitting from paragraph (c) “and”; and

- (b) by adding at the end the following word and paragraph:

“; and (e) to an approved administrative organisation:

(i) for expenditure by the organisation in meeting administrative costs (including payments in the nature of salary) relating directly to land transport administration; and

(ii) for reimbursement for expenditure by the organisation on or after 1 July 1987 and before the day of commencement of this paragraph in meeting such costs;

under programs approved under subsection 26 (3).”.

10 **Limitation of allocations for financial years 1987-1988, 1988-1989 and 1989-1990**

9. Section 18 of the Principal Act is amended:

(a) by omitting from subsection (1) “47.012%” and substituting “46.878%”;

15 (b) by inserting in subsection (2) “of land transport administration,” after “carrying out”; and

(c) by omitting from subsection (2) “0.618%” and substituting “0.752%”.

Closing of Fund

20 **10.** Section 25 of the Principal Act is amended by adding at the end the following paragraph:

“; (e) to an approved administrative organisation or approved administrative organisations for expenditure of the kind referred to in paragraph 16 (e).”.

25 **Approval of projects and programs**

11. Section 26 of the Principal Act is amended:

(a) by omitting from paragraph (1) (d) “and”; and

(b) by adding at the end of subsection (1) the following word and paragraph:

30 “; and (f) an approved administrative organisation to submit particulars of programs relating to land transport administration that are being, or are to be, carried out by the organisation and that are connected with the operation of this Act.”.

35 **Statements of expenditure etc. to be given**

12. (1) Section 30 of the Principal Act is amended by omitting subparagraph (1) (a) (ii) and substituting the following subparagraph:

“(ii) a report by the appropriate person stating:

40 (A) whether the statement is in the form approved by the Minister;

(B) whether, in the person’s opinion, the statement is based on proper accounts and records;

(C) whether the statement is in agreement with the accounts and records; and

(D) whether, in the person's opinion, the expenditure of money has been in accordance with this Act."

(2) The amendment made by subsection (1) does not apply in relation to statements given under paragraph 30 (1) (a) of the Principal Act before the commencement of this section.

Transitional

13. (1) Where, because of sections 14B and 15 of the Principal Act as amended by this Act, the Principal Act as so amended is deemed to have had effect as if another rate (in this subsection called the "substituted rate") were substituted for a rate on a particular day after 1 July 1987 and before the commencement of this Act, the Minister shall, as soon as practicable after the commencement of this Act, publish a notice in the *Gazette* specifying the substituted rate.

(2) There shall be paid out of the Australian Land Transport Trust Fund established by subsection 11 (1) of the Principal Act (in this subsection called the "Fund"), to the Consolidated Revenue Fund, an amount equal to the sum of:

(a) the difference between:

(i) the sum of the amounts paid into the Fund under subsection 12 (1) of the Principal Act during the period commencing on 1 July 1987 and ending immediately before the commencement of this Act; and

(ii) the sum of the amounts that would have been paid into the Fund under that subsection during that period if the rate specified in the notice published under section 14 of the Principal Act on 30 July 1986 had been 3.241 cents per litre; and

(b) an amount that the Minister, by notice published in the *Gazette*, declares to represent income derived from the investment of money representing the difference referred to in paragraph (a).

NOTE

1. No. 59, 1985, as amended. For previous amendments, see No. 162, 1986.