

1988

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

AUSTRALIAN CENTENNIAL ROADS DEVELOPMENT BILL 1988

EXPLANATORY MEMORANDUM

(Circulated by authority of the Minister for
Transport and Communications
the Hon. RALPH WILLIS, MP)

AUSTRALIAN CENTENNIAL ROADS DEVELOPMENT BILL 1988

OUTLINE

This Bill provides for the establishment of the Australian Centennial Roads Development Trust Fund into which is to be paid a specified share of customs and excise duty on motor spirit and diesel fuel, for the purpose of funding a program of financial assistance for land transport over a five year period commencing 1 January 1989. The share of excise and customs duty will be identified as the "road user charge".

The Australian Centennial Roads Development Program, to be funded through the Fund, will provide assistance to the States and Territories for the construction and maintenance of roads. It will also provide assistance to approved organisations for land transport research and road safety programs, assistance to the States for urban public transport projects and assistance to States or approved railway authorities for mainline capital railway projects. The Program will replace the existing Australian Bicentennial Road Development and Australian Land Transport Programs.

The amount of road user charge payable into the Fund from 1 January 1989, is to be based on a figure known as the "charge rate". The charge rate is to be initially set at 4.95 cents per litre.

The charge rate has been calculated to yield some \$571 million in the final six months of the 1988/89 financial year. This amount together with estimated payments from the Australian Bicentennial Road Development and the Australian Land Transport Funds is estimated to provide total funding for the year of \$1221.5 million. This is the amount guaranteed by the Government for 1988/89 and includes funding of \$6.5 million for the Australian Capital Territory, which is to be included in Federal land transport funding arrangements under the new program. The Bill provides for a retrospective adjustment to be made, either into or from the Consolidated Revenue Fund, should the amount of \$1221.5 million be over or under achieved in 1988/89.

Provision exists in the proposed legislation for the Treasurer and the Minister to determine a new charge rate. This will enable the charge rate applicable to the Fund from 1 July 1989 to be recalculated to take account of revenue collections for the full year and of any further adjustments necessary to maintain the funding level guaranteed by the Government.

The Government has guaranteed that the funding level in 1988/89 will be maintained in real terms in 1989/90 and 1990/91. The amount for 1989/90 will also take into account financial assistance to the Australian Capital Territory of \$11 million. This is the amount required in a full year to bring the Territory into Federal land transport funding arrangements

The recalculated rate is to be subject to periodic adjustment (on 1 April and 1 October each year) in line with movements in the implicit price deflator for gross non-farm product.

Funds payable for State arterial roads and local roads in 1988/89 are specified in Schedule 1 of the Bill. These payments will be made from the Australian Centennial Roads Development Trust Fund, the Australian Bicentennial Road Development Trust Fund and the Australian Land Transport Trust Fund. A maximum amount is also specified for payments on research and road safety in 1988/89.

Funds payable from the Australian Centennial Roads Development Trust Fund for State arterial and local roads for the period 1 July 1989 to 31 December 1993 will be allocated on a percentage basis as set out in Schedule 2 of the Bill.

The distribution among the States of funding under those schedules is consistent with that currently applied under Federal roads legislation.

The distribution of funds for national highways, national arterial roads and land transport research and road safety is to be determined by the Minister based on an assessment of relative needs and national priorities.

It is proposed that any funding provided for capital works associated with interstate mainline railways and urban public transport will be provided from within the allocation for national arterial and State arterial roads.

The Bill provides for the Minister to approve the transfer of funding allocations among the various categories. Transfer of funds out of the State arterial or local roads categories can only be undertaken at the request of the relevant State Minister.

The Australian Centennial Roads Development Trust Fund is to remain in existence until 30 June 1994. At that time any credit balance in the Fund is to be fully disbursed among the various categories of assistance as determined by the Minister.

The Bill specifies terms and conditions with which States, approved railway authorities and approved organisations must comply in order to receive assistance. These arrangements are designed to obtain maximum return for the investment of Federal funds and to improve administrative efficiency.

In particular this Bill provides for States to put in place quality systems, including pavement management systems, that will require them to be more accountable and responsible for projects and programs. This initiative is aimed at reducing Federal Government involvement in detailed administration while providing assurances that projects are completed to an appropriate standard and on budget. It will also ensure timely and efficient maintenance of national highways.

In general, payments to the States or approved organisations or authorities are to be conditional upon the funds being expended in accordance with purposes approved by the Minister. Tenders are to be called for national highway works and national arterial projects or specified maintenance programs having a value greater than \$2 million, and where appropriate, for capital railway and urban public transport projects. In addition, States are required to give adequate public recognition to projects funded from the Australian Centennial Roads Development Program.

FINANCIAL IMPACT STATEMENT

The Bill provides an amount of \$1221.5 million for roads in 1988/89. This includes \$6.5 million for the Australian Capital Territory, which will be incorporated into Federal road funding arrangements from 1 January 1989. It also provides for guaranteed funding of \$1226 million indexed to the implicit price deflator for gross non-farm product in 1989/90 and 1990/91

NOTES ON CLAUSES

PART 1 - PRELIMINARY

Clause 1 - Short title

The short title of the Act will be the Australian Centennial Roads Development Act 1988.

Clause 2 - Commencement

The legislation will commence on 1 January 1989 subject to receiving Royal Assent.

Clause 3 - Interpretation

Terms used throughout the Bill are defined in sub-clause (1). In particular, it should be noted that the term 'State' includes the Northern Territory and the Australian Capital Territory. The terms "charge rate" and "road user charge" are also defined in this clause.

Sub-clause (2) provides that where a State pays money to a government authority (including a local government authority) for a particular purpose, and the money is accordingly expended by the authority, the money shall be deemed to have been spent by the State for that purpose

Sub-clauses (3) and (4) have the effect of allowing payroll tax charged by the State in respect of its own employees to be an eligible charge against Commonwealth funds.

Sub-clause (5) provides that, with the exception of payroll tax, money shall not be regarded as having been spent for the purposes of the Bill solely by virtue of its having been paid to a trust account or other account in the State Treasury.

Sub-clause (6) provides that, where financial assistance is provided to an approved organisation which is a State Department, the assistance is to be subject to the same terms and conditions as would be the case if it were provided to the State.

Sub-clause (7) provides that any notification or request given to a State Minister will be regarded as having been given to the State.

Sub-clause (8) provides that for the purposes of this legislation, a part of a road, or a part of a railway, is to be regarded as a road, or a railway, respectively.

Clause 4 - Declaration of national highways

The Minister may declare, as a national highway, a road or proposed road that is the principal link between the places specified in the Bill, for example, between two State capital cities (Sub-clause (1)).

The Minister may also declare as a national highway any other road that he considers to be of sufficient national importance (Sub-clause (2)).

Sub-clause (3) provides that roads declared as national highways under the Australian Land Transport (Financial Assistance) Act 1985, will be treated as national highways for the purposes of this Bill.

The Minister may revoke or vary national highway declarations (Sub-clause (4)).

Sub-clause (5) requires the Minister to provide a copy of declarations made under this clause to the appropriate State Minister.

Clause 5 - Declaration of national arterial roads

The Minister may declare as a national arterial road any road or proposed road which the Minister considers will (a) increase the competitiveness of Australia's export and import-competing industries or facilitate significant improvements in tourist travel and (b) provide benefits that exceed the cost incurred in constructing the road (Sub-clause (1)).

The Minister may vary or revoke national arterial road declarations (Sub-clause (2)).

Sub-clause (3) requires the Minister to provide a copy of declarations made under this clause to the appropriate State Minister.

Clause 6 - Declaration of State arterial roads

The Minister may declare as a State arterial road any road or proposed road whose main function is to carry traffic into or across an urban area as part of a network of such roads or to carry traffic between major regions, cities or towns (Sub-clause (1)).

Sub-clause (2) provides that roads declared as urban and rural arterial roads under the Australian Land Transport (Financial Assistance) Act 1985 will be treated as State arterial roads for the purposes of this Bill.

The Minister may revoke or vary State arterial declarations (Sub-clause (3)).

Sub-clause (4) requires the Minister to provide a copy of declarations made under this clause to the appropriate State Minister.

Clause 7 - Declaration of interstate mainline railways and approved railway authorities

The Minister may declare as an interstate mainline railway, a railway or proposed railway in a State which, in the opinion of the Minister, is (a) the principal railway link between two State capital cities or (b) of national significance from the standpoint of trade or commerce between the States (Sub-clause (1)).

Sub-clause (2) provides that railway declarations under the Australian Land Transport (Financial Assistance) Act 1985 will be taken as declarations under this Bill.

Sub-clause (3) empowers the Minister to declare a railway authority involved in the provision of services over an interstate mainline railway, as an approved railway authority.

Sub-clause (4) provides that railway authorities declared under the Australian Land Transport (Financial Assistance) Act 1985 will be treated as approved railway authorities, for the purposes of this Bill.

The Minister may revoke or vary a declaration made under this clause (Sub-clause 5).

Sub-clause (6) requires the Minister to provide a copy of declarations made under this clause to the appropriate State Minister or approved railway authority.

Sub-clause (7) requires a declaration of an approved railway authority to be published in the Gazette.

Clause 8 - Declaration of approved research organisations
and approved road safety organisations

The Minister may declare as an approved research organisation an organisation that arranges, assists or carries out research in relation to land transport (Sub-clause (1)).

The Minister may declare as an approved road safety organisation an organisation that arranges, assists or carries out activities in relation to road safety (Sub-clause (2))

Sub-clause (3) provides that declarations under the Australian Land Transport (Financial Assistance) Act 1985 in respect of approved land transport research and road safety organisations will be treated as declarations under this Bill.

The Minister may revoke or vary a declaration made under this clause (Sub-clause (4)).

Sub-clause (5) requires declarations made under this clause to be published in the Gazette.

Clause 9 - Indexation factor

This clause provides the mechanism to adjust the charge rate in accordance with clauses 10 and 14.

The terms "index number" and "Statistician" are defined for the purposes of this clause in sub-clause (1).

Sub-clause (2) provides that if the Statistician revises the implicit price deflator for gross non-farm product published for any quarter, the revision shall be disregarded for purposes of this clause.

Sub-clause (3) provides that if the Statistician changes the reference base for the implicit price deflator for gross non-farm product, the new reference base will be used for the application of this clause after the change.

Sub-clauses (4) and (5) specify the method to be used in calculating any adjustment to the charge rate as a consequence of an increase in the implicit price deflator for gross non-farm product.

Clause 10 - Determination in relation to charge rate

This clause permits the Minister after consulting with the Treasurer to determine a new charge rate (Sub-clause (2)). This provision is subject to the estimated revenue available from the Fund not being less than the guaranteed amount in 1989/90 and 1990/91 (Sub-clauses (3) and (4)). The guaranteed amount is \$1226 million maintained in real terms for 1989/90 and 1990/91 by reference to the implicit price deflator for gross non-farm product (Sub-clause (1)).

The determination is to come into force on the first day of the financial year to which it relates. It is also to be notified in the Gazette (Sub-clause (5)).

PART II - AUSTRALIAN CENTENNIAL ROADS
DEVELOPMENT TRUST FUND

Clause 11 - Establishment of Fund

A Fund, to be called the Australian Centennial Roads Development Trust Fund, is to be established and to be treated as a Trust Account for the purposes of Section 62A of the Audit Act 1901.

Clause 12 - Money to be paid into Fund

Sub-clause (1) provides for payment into the Fund of a proportion of total customs and excise duty on motor spirit and diesel fuel paid to the Commonwealth between 1 January 1989 and 31 December 1993. This amount is defined as a road user charge. The road user charge is ascertained by reference to the formula set out in the definitions under sub-clause 3(1).

Sub-clause (2) provides that the road user charge will be reduced in proportion to the amounts paid as rebates of duty between 1 January 1989 and 31 December 1993. This amount is ascertained by reference to the formula set out in this sub-clause.

Sub-clause (3) is a procedural provision to enable the determination of how much is payable to the Fund, in cases where an amount of duty paid to the Commonwealth is derived from the application of different rates of duty.

Sub-clause (4) provides for interest earned from the investment of Trust Fund moneys to be paid into the Fund (less administration or brokerage fees).

Clause 13 - Special provisions for 1988-1989 financial year

Sub-clause (1) guarantees funding of \$1221.5 million during 1988/89 from the existing Australian Bicentennial Road Development and Australian Land Transport Trust Funds and the Australian Centennial Roads Development Trust Fund. Any shortfall will be made up from the Consolidated Revenue Fund.

Sub-clause (2) provides that if the three Funds above accumulate moneys in excess of \$1221.5 million, the excess will be repaid from the Fund into the Consolidated Revenue Fund.

Sub-clause (3) enables the Minister for Finance to make an advance to the Fund in the event that payments into the Fund fall short of \$1,221.5 million in 1988/89.

Clause 14 - Indexation of charge rate

This clause provides for the charge rate to be adjusted every six months in line with movements in the implicit price deflator for gross non-farm product. Adjustments to the charge rate are to be made on 1 April and 1 October.

The terms "base rate", and "relevant period" are defined for the purposes of this clause in sub-clause (1).

Sub-clause (2) has the effect that, where there has been an increase in the implicit price deflator for gross non-farm product during a six month period ending in December or June, the charge rate by which payments into the Fund are calculated is to be increased by a corresponding percentage from the following 1 April or 1 October respectively, until such time as a further determination under clause 10 comes into force.

Sub-clause (3) requires the Minister to publish a notice in the Gazette specifying any revision to the charge rate.

Clause 15 - Application of Fund

This clause specifies the purposes for which payments may be made from the Fund to States, approved railway authorities and approved road safety or research organisations

Clause 16 - Limitation of allocations made before 1 July 1989

This clause sets a limit on the amounts payable in 1988/89 on State arterial roads, local roads and research and road safety programs. The remaining funds may be spent on national highways and national arterial roads categories in accordance with national priorities.

Sub-clause (1) details the total amounts to be paid from the three Funds to the States for State arterial roads in the 1988/89 financial year as set out in Schedule 1, column 3 of the Bill.

Sub-clause (2) details the total amounts to be paid from the three Funds to the States for local roads in the 1988/89 financial year as set out in Schedule 1, column 4 of the Bill.

Sub-clause (3) details the total amounts to be paid to approved organisations for expenditure on approved land transport research and road safety programs in the 1988/89 financial year.

Clause 17 - Limitation of allocations made after 30 June 1989

This clause details the maximum percentage shares of Fund revenues which may be allocated to each of the categories of State arterial roads, local roads and research and road safety under the program after 30 June 1989. The remaining funds may be allocated to national highways and national arterial roads in accordance with national priorities.

Sub-clauses (1) and (2) specify the maximum percentage shares, by reference to Schedule 2 of the Bill, of Fund revenues payable for State arterial roads and local roads.

Sub-clause (3) specifies the maximum percentage share of Fund revenues payable for road safety activities and land transport research.

Clause 18 - Use of funds allocated to projects etc. commenced before the commencement of Act

This clause allows States and organisations to seek the Minister's approval for reimbursement of expenditure on approved projects or programs that commenced and incurred expenditure before 1 January 1989.

Clause 19 - Reallocation of funds

This clause enables the Minister, upon being requested by a State, to authorise the transfer of State arterial road funds to national highways, national arterial or local roads and to transfer local road funds to State arterial roads (Sub-clause (1)).

Sub-clause (2) provides that the Minister may authorise the transfer of funds (a) between the categories of research and road safety, national highways or national arterial roads, or (b) from national highways or national arterial roads to State arterial roads.

Sub-clause (3) provides that where the Minister approves transfers of funds under sub-clauses (1) or (2) the transferred funds expended by the States or organisations will be deemed to have been expended for the original purpose for which they were provided in the legislation.

Clause 20 - Funds for State arterial roads reallocated for expenditure on capital railway projects

The Minister may, on the request of a State, authorise the expenditure of State arterial roads funds on capital railway projects (Sub-clause (1)).

Sub-clause (2) provides that where such an application of funds is approved, the money spent on capital railway projects is deemed to have been spent on State arterial roads.

Clause 21 - Funds for State arterial roads reallocated for expenditure on urban public transport

The Minister may, on the request of a State, authorise the expenditure of State arterial roads funds on urban public transport projects (Sub-clause (1)).

Sub-clause (2) provides that where such an application of funds is approved, the money spent on urban public transport projects is deemed to have been spent on State arterial roads.

Clause 22 - Time for payments

The Minister is to determine the time and amounts of payments from the Fund.

Clause 23 - Statement accompanying payment

This clause provides that a payment from the Fund is to be accompanied by a statement specifying the purpose or purposes for which the payment is being provided.

Clause 24 - Condition of payment

This clause provides that payments to a State, authority or organisation are conditional upon the payments being spent in accordance with the purposes specified in the accompanying statement.

Clause 25 - Closing of Fund

The Fund is to be closed on 30 June 1994. Any balance standing to the credit of the Fund at that time is to be paid to the States, approved railway authorities or approved road safety or research organisations as determined by the Minister.

III - APPROVAL OF PROJECTS AND PROGRAMS

Clause 26 - Approval of projects and programs

The Minister may direct or invite States, authorities or organisations to submit proposed projects or programs for approval (Sub-clause (1)), and to provide details of projects or programs (Sub-clause 2).

Sub-clause (3) empowers the Minister to approve projects or programs.

Sub-clause (4) allows the Minister to approve projects or programs, which were commenced but not completed before the commencement of the Bill (paragraph (a)). Part of the cost of projects or programs can be met from sources other than the Fund (paragraph (b)).

Sub-clause (5) specifies that particulars of projects or programs submitted for approval, are to include an estimate of the cost and an estimate of any part of the cost to be funded by means other than a payment from the Fund.

Sub-clause (6) requires the Minister, before approving projects and programs, to be satisfied that they are consistent with the purposes of the Fund and that the Fund is able to meet the cost

Sub-clause (7) provides that the Minister shall not approve national highway projects or programs which do not comply with the prescribed standards.

Sub-clause (8) requires the Minister, before approving capital railway projects, to be satisfied that the projects are likely to result in improvements in the capacity, quality or efficiency of interstate mainline railway operations and that the State or authority has taken steps to achieve improvements in its operational or commercial practices. A State must also give priority to such a project.

Clause 27 - Variation of projects etc.

Sub-clause (1) empowers the Minister to approve project or program variations including cost variations.

Sub-clause (2) provides that the Minister shall not approve these variations unless they are consistent with the purposes of the Fund and the Fund is able to meet the cost of the variation.

Clause 28 - Allocations of Fund to local government bodies

Sub-clause (1) requires money paid from the Fund to the States for local roads to be allocated among local government bodies and State government authorities in accordance with principles formulated by the States and approved by the Minister (paragraph (a)), or in accordance with principles determined by the Minister (paragraph (b)).

Sub-clause (2) provides that the Minister will not unilaterally determine principles for allocating local roads funds unless either the appropriate State Minister has indicated the State does not propose to formulate principles (paragraph (a)) or the State does not formulate within a period specified by the Minister, principles which the Minister is prepared to approve (paragraph (b)).

Sub-clauses (3) and (4) provide that a State may, with the Minister's approval, vary principles it has formulated or that the Minister may vary principles which the Minister has determined.

PART IV - CONDITIONS OF PAYMENTS

Clause 29 - Minister may require information to be furnished

This clause empowers the Minister to require a State, authority or organisation to furnish within a specified period information relevant to the operation of the Bill

Clause 30 - Statements of expenditure etc. to be furnished

As a condition of receiving payments from the Fund, States, approved railway authorities and approved organisations will be required to provide annual audited statements of expenditure in a form approved by the Minister (paragraph (1) (a)).

A State, authority or organisation may also be required to repay an amount if the Minister is satisfied and informs the Treasurer of a State, or a responsible officer of an authority or organisation that requirements with respect to annual expenditure statements have not been met (paragraph (b)).

Sub-clause (2) requires annual financial statements to be certified by either the Commonwealth or State Auditor-General, where appropriate, or otherwise by a qualified accountant.

Clause 31 - Condition relating to expenditure of moneys paid out of Fund

This clause requires a State, approved railway authority or approved organisation to repay to the Commonwealth any amount not expended or otherwise dealt with under the provisions of the Bill.

Clause 32 - Additional conditions with respect to approved projects and programs

Sub-clause (1) sets out a number of additional conditions which apply to payments from the Fund to States and approved railway authorities

- (a) in the case of a State, tenders are to be invited and dealt with, in accordance with approved procedures, for works associated with approved national highway or national arterial road construction projects, and certain approved national highway maintenance works where the estimated cost exceeds \$2.0 million, except for exempt works as defined by sub-clause (2);
- (b) where appropriate, tenders are to be invited and dealt with in accordance with approved procedures for the performance of works, and the purchase of goods associated with capital railway or urban public transport projects;

- (c) States are to comply with any request from the Minister to establish a joint Commonwealth/State officials committee to furnish advice to Ministers in connection with the Bill;
- (d) signs approved by the Minister are to be displayed and maintained near projects funded by the Commonwealth, in accordance with requirements notified by the Minister;
- (e) States and authorities are to accord such other recognition as required by the Minister to projects and programs funded by the Commonwealth;
- (f) States are to comply with the Minister's requirements relating to the display of signs, other than traffic signs, near national highways or national arterial roads funded by the Commonwealth;
- (g) States are to provide an annual certificate, endorsed by a person approved by the Minister, to the effect that all national highway construction projects have been carried out in accordance with any standards prescribed by the Minister;
- (h) States are to develop and implement quality systems in relation to approved national highway and national arterial projects and programs, including a pavement management system for national highways, and to permit authorised inspection of those systems;
- (j) States or authorities are to permit inspections by authorised persons of work carried out on approved projects or programs and to make any related documents available to those persons,

- (k) States are to make satisfactory provision for the maintenance of national arterial roads and to provide and maintain roads connecting national highways and national arterial roads, with other roads in the State;
- (m) States are not to levy, without the written consent of the Minister, tolls on national highways or national arterial roads;
- (n) in the event of the resale by a State or authority of any asset, including land, which has been purchased from funds provided under this or other Commonwealth roads assistance legislation since 1977, the State or authority is to either repay the higher of the proceeds or market value of the asset to the Commonwealth, or spend the proceeds on the construction and maintenance of roads, capital railway projects or urban public transport projects;
- (p) a State or authority is to repay financial assistance, in whole or part, if the Minister informs the Treasurer of a State or the responsible officer of an authority that a condition specified in this clause or clause 29 has not been met.

Sub-clause (2) defines 'exempt works' in respect of which tenders need not be invited in accordance with paragraph (1)

(a)

PART V - MISCELLANEOUS

Clause 33 - Deduction of amounts repayable

This clause provides that the Minister may deduct any amount repayable to the Commonwealth by a State, authority or organisation under this Bill, the Australian Bicentennial Road Development Trust Fund Act 1982 or the Australian Land Transport (Financial Assistance) Act 1985 from an amount payable from the Fund to that State, authority or organisation.

Clause 34 - Moneys repaid to Commonwealth

This clause requires that any moneys repaid by States, authorities or organisations, including the proceeds of asset sales, be paid into the Fund.

Clause 35 - Appropriation

This clause appropriates the Consolidated Revenue Fund for the purposes of sub-clause 12 (1) and clause 13.

Clause 36 - Money deemed to be expended on national highway projects

This clause permits a State to include in the cost of approved national highway works, part of the State's general administrative overhead expenses directly related to the construction and maintenance of national highways. The overhead expenses which can be charged against Commonwealth funds in this way are limited to a maximum of four per cent of the expenditure directly attributed to particular national highway projects or programs.

Clause 37 - Guidelines for distribution by States of funds for State arterial roads

This clause permits the Minister, after consultation with the States, to determine guidelines for the distribution of State arterial road funds in each State to government authorities including local authorities within the State.

Clause 38 - Standards for national highways

Sub-clause (1) sets out a number of conditions the Minister may seek to impose to ensure an adequate standard is achieved and maintained for national highways

- (a) empowers the Minister to request from the States information relating to the use or likely use of national highways;

- (b) empowers the Minister to determine, after consultation with the State, the type of work (either construction or maintenance) that should be carried out;
- (c) empowers the Minister to notify the States the order in which national highway works should be carried out;
- (d) empowers the Minister to notify the States of the standards to be adopted for the construction and maintenance of national highways.

The Minister may revoke or vary any notification given under this clause (Sub-clause (2)).

Clause 39 - Delegations

This clause enables the Minister to delegate to an officer of the Australian Public Service the Minister's powers under the following clauses:

<u>Clause</u>	<u>Function</u>
22	Time for payments
26	Approval of projects and programs
27	Variation of projects
29	Requests for information
32 (1) (d)	Signs in recognition of Commonwealth funding
32 (1) (e)	Other recognition of Commonwealth funding

- 32 (1) (h) Examination of quality systems
- 32 (1) (j) Inspection of work performed or related
documentation
- 32 (2) Determination of works exempt from tender.
- 38 Standards for national highways

Clause 40 - Closing of existing Funds

Sub-clause (1) provides for the cessation of existing Funds in accordance with the following provisions:

- (a) excise payments into the Funds shall cease after 31 December 1988 and payments out of the Funds after this time will be subject to the provisions of this clause;
- (b) existing Funds will be closed on 30 April 1989 or an earlier date determined by the Minister;
- (c) subject to sub-clause (2), monies standing to the credit of the existing Funds will be paid to the States as the Minister determines;
- (d) any monies to be repaid to the Commonwealth under legislation governing the existing Funds is to be repaid into the Fund;
- (e) payments out of existing Funds are to be expended by the States and/or authorities prior to 1 July 1989.

Sub-clause (2) provides that any monies paid from existing Funds after 31 December 1988 to a State for national highway works, capital railway and urban public transport projects must be expended on projects approved by the Minister.

