

2008-2009

The Parliament of the
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

Presented and read a first time

**Nation Building Program (National Land
Transport) Amendment Bill 2009**

No. , 2009

(Infrastructure, Transport, Regional Development and Local Government)

**A Bill for an Act to amend the *AusLink (National
Land Transport) Act 2005*, and for related purposes**

Contents

| | | |
|---|--------------------|----------|
| 1 | Short title | 1 |
| 2 | Commencement | 1 |
| 3 | Schedule(s) | 1 |
| Schedule 1—Amendments | | 3 |
| Part 1—Amendments | | 3 |
| <i>AusLink (National Land Transport) Act 2005</i> | | 3 |
| Part 2—Application and transitional provisions | | 17 |

1 **A Bill for an Act to amend the *AusLink (National***
2 ***Land Transport) Act 2005, and for related purposes***

3 The Parliament of Australia enacts:

4 **1 Short title**

5 This Act may be cited as the *Nation Building Program (National*
6 *Land Transport) Amendment Act 2009*.

7 **2 Commencement**

8 This Act commences on the day after it receives the Royal Assent.

9 **3 Schedule(s)**

10 Each Act that is specified in a Schedule to this Act is amended or
11 repealed as set out in the applicable items in the Schedule

1
2

concerned, and any other item in a Schedule to this Act has effect according to its terms.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

Schedule 1—Amendments

Part 1—Amendments

AusLink (National Land Transport) Act 2005

1 Section 1

Omit “*AusLink (National Land Transport) Act 2005*”, substitute
“*Nation Building Program (National Land Transport) Act 2009*”.

Note: This item amends the short title of the Act. If another amendment of the Act is described by reference to the Act’s previous short title, that other amendment has effect after the commencement of this item as an amendment of the Act under its amended short title (see section 10 of the *Acts Interpretation Act 1901*).

2 Subsection 4(1) (definition of *approved funding recipient*)

Omit “an AusLink National Project, an AusLink Transport Development and Innovation Project, an AusLink Strategic Regional Project or an AusLink Black Spot Project”, substitute “a Nation Building Program National Project, a Nation Building Program Transport Development and Innovation Project, a Nation Building Program Off-Network Project or a Nation Building Program Black Spot Project”.

3 Subsection 4(1) (definition of *approved purposes*)

Omit “an AusLink National Project, an AusLink Transport Development and Innovation Project, an AusLink Strategic Regional Project or an AusLink Black Spot Project”, substitute “a Nation Building Program National Project, a Nation Building Program Transport Development and Innovation Project, a Nation Building Program Off-Network Project or a Nation Building Program Black Spot Project”.

4 Subsection 4(1) (definition of *AusLink Black Spot Project*)

Repeal the definition.

5 Subsection 4(1) (definition of *AusLink National Project*)

Repeal the definition.

1 **6 Subsection 4(1) (definition of *AusLink Roads to Recovery***
2 ***funding period*)**

3 Repeal the definition.

4 **7 Subsection 4(1) (definition of *AusLink Roads to Recovery***
5 ***List*)**

6 Repeal the definition.

7 **8 Subsection 4(1) (definition of *AusLink Strategic Regional***
8 ***Project*)**

9 Repeal the definition.

10 **9 Subsection 4(1) (definition of *AusLink Transport***
11 ***Development and Innovation Project*)**

12 Repeal the definition.

13 **10 Subsection 4(1)**

14 Insert:

15 *Nation Building Program Black Spot Project* has the meaning
16 given by section 69.

17 **11 Subsection 4(1)**

18 Insert:

19 *Nation Building Program National Project* has the meaning given
20 by section 8.

21 **12 Subsection 4(1)**

22 Insert:

23 *Nation Building Program Off-Network Project* has the meaning
24 given by section 52.

25 **13 Subsection 4(1)**

26 Insert:

27 *Nation Building Program Roads to Recovery funding period*
28 means the period starting on 1 July 2009 and ending on 30 June
29 2014.

1 **14 Subsection 4(1)**

2 Insert:

3 *Nation Building Program Roads to Recovery List* means the list in
4 force, immediately before the commencement of this definition,
5 under subsection 87(1) of this Act for the period starting on 1 July
6 2009 and ending on 30 June 2014.

7 **15 Subsection 4(1)**

8 Insert:

9 *Nation Building Program Transport Development and*
10 *Innovation Project* has the meaning given by section 28.

11 **16 Subsection 4(1) (paragraphs (a) and (b) of the definition of**
12 ***project approval instrument*)**

13 Omit “an AusLink”, substitute “a Nation Building Program”.

14 **17 Subsection 4(1) (paragraph (c) of the definition of *project***
15 ***approval instrument*)**

16 Omit “an AusLink Strategic Regional Project”, substitute “a Nation
17 Building Program Off-Network Project”.

18 **18 Subsection 4(1) (paragraph (d) of the definition of *project***
19 ***approval instrument*)**

20 Omit “an AusLink”, substitute “a Nation Building Program”.

21 **19 Part 3 (heading)**

22 Repeal the heading, substitute:

23 **Part 3—Nation Building Program National**
24 **Projects**

25 **20 Division 1 of Part 3 (heading)**

26 Repeal the heading, substitute:

1 **Division 1—Approval of projects as Nation Building**
2 **Program National Projects**

3 **21 Section 8**

4 Omit “An *AusLink*”, substitute “A *Nation Building Program*”.

5 Note: The heading to section 8 is altered by omitting “an *AusLink*” and substituting “a
6 **Nation Building Program**”.

7 **22 Subsection 9(1)**

8 Omit “an *AusLink*”, substitute “a Nation Building Program”.

9 Note: The heading to section 9 is altered by omitting “*AusLink*” and substituting “**Nation**
10 **Building Program**”.

11 **23 Sections 10 and 11**

12 Omit “an *AusLink*”, substitute “a Nation Building Program”.

13 **24 Subsection 12(1)**

14 Omit “*AusLink*”, substitute “Nation Building Program”.

15 **25 Subsections 12(3) and (4)**

16 Omit “an *AusLink*”, substitute “a Nation Building Program”.

17 **26 Subsections 13(1), (2) and (3)**

18 Omit “an *AusLink*”, substitute “a Nation Building Program”.

19 **27 Section 14**

20 Omit “an *AusLink*”, substitute “a Nation Building Program”.

21 **28 Subsection 15(1)**

22 Omit “an *AusLink*”, substitute “a Nation Building Program”.

23 **29 Subsection 16(1)**

24 Omit “an *AusLink*”, substitute “a Nation Building Program”.

25 Note: The heading to section 16 is altered by omitting “*AusLink*” and substituting “**Nation**
26 **Building Program**”.

27 **30 Subsection 17(1)**

28 Omit “an *AusLink*”, substitute “a Nation Building Program”.

1 **31 Section 18**

2 Before “The”, insert “(1)”.

3 **32 Section 18**

4 Omit “an AusLink”, substitute “a Nation Building Program”.

5 **33 At the end of section 18**

6 Add:

7 (2) A funding agreement may specify a condition by applying,
8 adopting or incorporating any matter contained in an instrument or
9 other writing as in force or existing from time to time.

10 **34 Paragraph 24(1)(c)**

11 Omit “, the work”.

12 **35 Subparagraphs 24(1)(c)(i) and (ii)**

13 Before “is”, insert “the work”.

14 **36 Subparagraphs 24(1)(c)(iii) and (iv)**

15 Before “is of”, insert “the work”.

16 **37 Subparagraph 24(1)(c)(v)**

17 Before “will”, insert “the work”.

18 **38 At the end of paragraph 24(1)(c)**

19 Add:

20 ; or (vi) the cost of the work is less than an amount prescribed
21 by the regulations for the purposes of this subparagraph.

22 **39 Subsections 25(2) and (4)**

23 Omit “AusLink”, substitute “Nation Building Program”.

24 **40 At the end of section 27**

25 Add:

26 (5) Despite subsection 14(2) of the *Legislative Instruments Act 2003*,
27 an instrument determining or varying conditions may make
28 provision in relation to a matter by applying, adopting or

1 incorporating any matter contained in an instrument or other
2 writing as in force or existing from time to time.

3 **41 Part 4 (heading)**

4 Repeal the heading, substitute:

5 **Part 4—Nation Building Program Transport**
6 **Development and Innovation Projects**

7 **42 Division 1 of Part 4 (heading)**

8 Repeal the heading, substitute:

9 **Division 1—Approval of projects as Nation Building**
10 **Program Transport Development and Innovation**
11 **Projects**

12 **43 Section 28**

13 Omit “An *AusLink*”, substitute “A *Nation Building Program*”.

14 Note: The heading to section 28 is altered by omitting “an **AusLink**” and substituting “a
15 **Nation Building Program**”.

16 **44 Subsection 29(1)**

17 Omit “an *AusLink*”, substitute “a *Nation Building Program*”.

18 Note: The heading to section 29 is altered by omitting “**AusLink**” and substituting “**Nation**
19 **Building Program**”.

20 **45 Section 30**

21 Omit “an *AusLink*”, substitute “a *Nation Building Program*”.

22 **46 Section 31**

23 Omit “an *AusLink*”, substitute “a *Nation Building Program*”.

24 **47 Paragraph 31(c)**

25 Omit “*AusLink*”, substitute “*Nation Building Program*”.

26 **48 Subsection 32(1)**

27 Omit “*AusLink*”, substitute “*Nation Building Program*”.

1 **49 Subsections 32(3) and (4)**

2 Omit “an AusLink”, substitute “a Nation Building Program”.

3 **50 Subsections 33(1), (2) and (3)**

4 Omit “an AusLink”, substitute “a Nation Building Program”.

5 **51 Section 34**

6 Omit “an AusLink”, substitute “a Nation Building Program”.

7 **52 Subsection 35(1)**

8 Omit “an AusLink”, substitute “a Nation Building Program”.

9 **53 Subsection 36(1)**

10 Omit “an AusLink”, substitute “a Nation Building Program”.

11 Note: The heading to section 36 is altered by omitting “**AusLink**” and substituting “**Nation**
12 **Building Program**”.

13 **54 Subsection 37(1)**

14 Omit “an AusLink”, substitute “a Nation Building Program”.

15 **55 Section 38**

16 Before “The”, insert “(1)”.

17 **56 Section 38**

18 Omit “an AusLink”, substitute “a Nation Building Program”.

19 **57 At the end of section 38**

20 Add:

21 (2) A funding agreement may specify a condition by applying,
22 adopting or incorporating any matter contained in an instrument or
23 other writing as in force or existing from time to time.

24 **58 At the end of section 44**

25 Add:

26 (5) Despite subsection 14(2) of the *Legislative Instruments Act 2003*,
27 an instrument determining or varying conditions may make
28 provision in relation to a matter by applying, adopting or

1 incorporating any matter contained in an instrument or other
2 writing as in force or existing from time to time.

3 **59 Part 5 (heading)**

4 Repeal the heading, substitute:

5 **Part 5—Nation Building Program funding for land**
6 **transport research entities**

7 **60 Section 50**

8 Before “The”, insert “(1)”.

9 **61 At the end of section 50**

10 Add:

11 (2) A funding agreement may specify a condition by applying,
12 adopting or incorporating any matter contained in an instrument or
13 other writing as in force or existing from time to time.

14 **62 Part 6 (heading)**

15 Repeal the heading, substitute:

16 **Part 6—Nation Building Program Off-Network**
17 **Projects**

18 **63 Division 1 of Part 6 (heading)**

19 Repeal the heading, substitute:

20 **Division 1—Approval of projects as Nation Building**
21 **Program Off-Network Projects**

22 **64 Section 52**

23 Omit “An *AusLink Strategic Regional Project*”, substitute “A *Nation*
24 *Building Program Off-Network Project*”.

25 Note: The heading to section 52 is altered by omitting “an **AusLink Strategic Regional**
26 **Project?**” and substituting “a **Nation Building Program Off-Network Project?**”.

27 **65 Subsection 53(1)**

1 Omit “an AusLink Strategic Regional Project”, substitute “a Nation
2 Building Program Off-Network Project”.

3 Note: The heading to section 53 is altered by omitting “**AusLink Strategic Regional**
4 **Projects**” and substituting “**Nation Building Program Off-Network Projects**”.

5 **66 Sections 54 and 55**

6 Omit “an AusLink Strategic Regional Project”, substitute “a Nation
7 Building Program Off-Network Project”.

8 **67 Paragraph 55(a)**

9 Omit “regional industries”, substitute “industries”.

10 **68 Paragraph 55(b)**

11 Repeal the paragraph.

12 **69 Paragraph 55(e)**

13 Omit “regional”.

14 **70 Subsection 56(1)**

15 Omit “AusLink Strategic Regional Projects”, substitute “Nation
16 Building Program Off-Network Projects”.

17 **71 Subsections 56(3) and (4)**

18 Omit “an AusLink Strategic Regional Project”, substitute “a Nation
19 Building Program Off-Network Project”.

20 **72 Subsections 57(1), (2) and (3)**

21 Omit “an AusLink Strategic Regional Project”, substitute “a Nation
22 Building Program Off-Network Project”.

23 **73 Section 58**

24 Omit “an AusLink Strategic Regional Project”, substitute “a Nation
25 Building Program Off-Network Project”.

26 **74 Subsection 59(1)**

27 Omit “an AusLink Strategic Regional Project”, substitute “a Nation
28 Building Program Off-Network Project”.

29 **75 Subsection 60(1)**

1 Omit “an AusLink Strategic Regional Project”, substitute “a Nation
2 Building Program Off-Network Project”.

3 Note: The heading to section 60 is altered by omitting “**AusLink Strategic Regional**
4 **Projects**” and substituting “**Nation Building Program Off-Network Projects**”.

5 **76 Subsection 61(1)**

6 Omit “an AusLink Strategic Regional Project”, substitute “a Nation
7 Building Program Off-Network Project”.

8 **77 Subsections 62(1) and (2)**

9 Omit “an AusLink Strategic Regional Project”, substitute “a Nation
10 Building Program Off-Network Project”.

11 **78 At the end of section 62**

12 Add:

13 (3) A funding agreement may specify a condition by applying,
14 adopting or incorporating any matter contained in an instrument or
15 other writing as in force or existing from time to time.

16 **79 At the end of section 68**

17 Add:

18 (5) Despite subsection 14(2) of the *Legislative Instruments Act 2003*,
19 an instrument determining or varying conditions may make
20 provision in relation to a matter by applying, adopting or
21 incorporating any matter contained in an instrument or other
22 writing as in force or existing from time to time.

23 **80 Part 7 (heading)**

24 Repeal the heading, substitute:

25 **Part 7—Nation Building Program Black Spot**
26 **Projects**

27 **81 Division 1 of Part 7 (heading)**

28 Repeal the heading, substitute:

1 **Division 1—Approval of projects as Nation Building**
2 **Program Black Spot Projects**

3 **82 Section 69**

4 Omit “An *AusLink*”, substitute “A *Nation Building Program*”.

5 Note: The heading to section 69 is altered by omitting “an *AusLink*” and substituting “a
6 **Nation Building Program**”.

7 **83 Subsection 70(1)**

8 Omit “an *AusLink*”, substitute “a *Nation Building Program*”.

9 Note: The heading to section 70 is altered by omitting “*AusLink*” and substituting “**Nation**
10 **Building Program**”.

11 **84 Section 71**

12 Omit “an *AusLink*”, substitute “a *Nation Building Program*”.

13 **85 Paragraph 71(c)**

14 Omit “injury; and”, substitute “injury.”.

15 **86 Paragraph 71(d)**

16 Repeal the paragraph.

17 **87 Section 72**

18 Omit “an *AusLink*”, substitute “a *Nation Building Program*”.

19 **88 Subsection 73(1)**

20 Omit “*AusLink*”, substitute “*Nation Building Program*”.

21 **89 Subsections 73(3) and (4)**

22 Omit “an *AusLink*”, substitute “a *Nation Building Program*”.

23 **90 Subsections 74(1) and (2)**

24 Omit “an *AusLink*”, substitute “a *Nation Building Program*”.

25 **91 Section 75**

26 Omit “an *AusLink*”, substitute “a *Nation Building Program*”.

27 **92 Subsection 76(1)**

1 Omit “an AusLink”, substitute “a Nation Building Program”.

2 **93 Subsection 77(1)**

3 Omit “an AusLink”, substitute “a Nation Building Program”.

4 Note: The heading to section 77 is altered by omitting “AusLink” and substituting “Nation
5 Building Program”.

6 **94 Subsection 78(1)**

7 Omit “an AusLink”, substitute “a Nation Building Program”.

8 **95 Section 79**

9 Before “The”, insert “(1)”.

10 **96 Section 79**

11 Omit “an AusLink”, substitute “a Nation Building Program”.

12 **97 At the end of section 79**

13 Add:

14 (2) A funding agreement may specify a condition by applying,
15 adopting or incorporating any matter contained in an instrument or
16 other writing as in force or existing from time to time.

17 **98 At the end of section 86**

18 Add:

19 (5) Despite subsection 14(2) of the *Legislative Instruments Act 2003*,
20 an instrument determining or varying conditions may make
21 provision in relation to a matter by applying, adopting or
22 incorporating any matter contained in an instrument or other
23 writing as in force or existing from time to time.

24 **99 Part 8 (heading)**

25 Repeal the heading, substitute:

26 **Part 8—Nation Building Program Roads to**
27 **Recovery Program**

28 **100 Subsection 87(1)**

1 Repeal the subsection.

2 Note: The heading to section 87 is replaced by the heading “**Nation Building Program**
3 **Roads to Recovery List**”.

4 **101 Subsection 87(2)**

5 Omit “(2) The AusLink”, substitute “The Nation Building Program”.

6 **102 Paragraph 87(2)(a)**

7 Omit “AusLink”, substitute “Nation Building Program”.

8 **103 Subsection 87(3)**

9 Repeal the subsection.

10 **104 Paragraph 88(1)(a)**

11 Omit “an AusLink”, substitute “a Nation Building Program”.

12 Note: The heading to section 88 is altered by omitting “**AusLink**” and substituting “**Nation**
13 **Building Program**”.

14 **105 Paragraphs 88(2)(a) and (2A)(a)**

15 Omit “an AusLink”, substitute “a Nation Building Program”.

16 **106 Paragraph 88(2A)(a)**

17 Omit “subparagraph 87(2)(b)(ii)”, substitute “subparagraph 87(b)(ii)”.

18 **107 After subsection 88(2A)**

19 Insert:

20 (2B) If an amount is specified in a Nation Building Program Roads to
21 Recovery List in relation to a person or body, the Minister may, in
22 writing, vary the List to increase that amount.

23 **108 Subsections 88(3) and (4)**

24 Omit “an AusLink”, substitute “a Nation Building Program”.

25 **109 Subsection 88(4)**

26 After “(2A)”, insert “, (2B)”.

27 **110 Subsections 88(5) and (6)**

28 Omit “an AusLink”, substitute “a Nation Building Program”.

1 **111 Subsection 89(1)**

2 Omit “an AusLink” (wherever occurring), substitute “a Nation Building
3 Program”.

4 Note: The heading to section 89 is altered by omitting “**AusLink**” and substituting “**Nation**
5 **Building Program**”.

6 **112 At the end of section 90**

7 Add:

8 (7) Despite subsection 14(2) of the *Legislative Instruments Act 2003*,
9 an instrument determining or varying conditions may make
10 provision in relation to a matter by applying, adopting or
11 incorporating any matter contained in an instrument or other
12 writing as in force or existing from time to time.

1

2 **Part 2—Application and transitional provisions**

3 **113 Definitions**

4 In this Part:

5 *new law* means the *Nation Building Program (National Land*
6 *Transport) Act 2009*.

7 *old law* means the *AusLink (National Land Transport) Act 2005*.

8 **114 Application—public tenders for certain work**

9 The amendments made by items 34 to 38 apply in relation to projects
10 approved on or after the commencement of those items.

11 **115 Transitional—National Land Transport Network**

12 (1) An instrument in force under section 5 of the old law immediately
13 before the commencement of this item has effect, on and after that
14 commencement, as if it were an instrument in force under section 5 of
15 the new law.

16 (2) Subitem (1) does not prevent a variation of that instrument on or after
17 the commencement of this item.

18 **116 Transitional—National Projects**

19 *Part 3 instruments*

20 (1) An instrument in force under Part 3 of the old law immediately before
21 the commencement of this item in relation to a project that was an
22 AusLink National Project has effect, on and after that commencement,
23 as if:

24 (a) that project were a Nation Building Program National
25 Project; and

26 (b) that instrument were in force under Part 3 of the new law in
27 relation to that Nation Building Program National Project.

28 (2) Subitem (1) does not prevent a variation or revocation of that
29 instrument on or after the commencement of this item.

1 *Funding agreement*

2 (3) A funding agreement in force in relation to the AusLink National
3 Project immediately before the commencement of this item has effect,
4 on and after that commencement, as if it were a funding agreement in
5 force in relation to the Nation Building Program National Project.

6 (4) Subitem (3) does not prevent a variation or termination of that
7 agreement on or after the commencement of this item.

8 *Funding conditions*

9 (5) The conditions that applied under section 18 of the old law to a payment
10 of Commonwealth funding for the AusLink National Project that was
11 made before the commencement of this item continue to apply on and
12 after that commencement.

13 **117 Transitional—Transport Development and Innovation**
14 **Projects**

15 *Part 4 instruments*

16 (1) An instrument in force under Part 4 of the old law immediately before
17 the commencement of this item in relation to a project that was an
18 AusLink Transport Development and Innovation Project has effect, on
19 and after that commencement, as if:

20 (a) that project were a Nation Building Program Transport
21 Development and Innovation Project; and

22 (b) that instrument were in force under Part 4 of the new law in
23 relation to that Nation Building Program Transport
24 Development and Innovation Project.

25 (2) Subitem (1) does not prevent a variation or revocation of that
26 instrument on or after the commencement of this item.

27 *Funding agreement*

28 (3) A funding agreement in force in relation to the AusLink Transport
29 Development and Innovation Project immediately before the
30 commencement of this item has effect, on and after that
31 commencement, as if it were a funding agreement in force in relation to
32 the Nation Building Program Transport Development and Innovation
33 Project.

- 1 (4) Subitem (3) does not prevent a variation or termination of that
2 agreement on or after the commencement of this item.

3 *Funding conditions*

- 4 (5) The conditions that applied under section 38 of the old law to a payment
5 of Commonwealth funding for the AusLink Transport Development and
6 Innovation Project that was made before the commencement of this
7 item continue to apply on and after that commencement.

8 **118 Transitional—land transport research entities**

9 *Part 5 instruments*

- 10 (1) An instrument in force under Part 5 of the old law immediately before
11 the commencement of this item has effect, on and after that
12 commencement, as if it were an instrument in force under Part 5 of the
13 new law.
- 14 (2) Subitem (1) does not prevent a variation or revocation of that
15 instrument on or after the commencement of this item.

16 *Funding agreement*

- 17 (3) A funding agreement in force for the purposes of Part 5 of the old law
18 immediately before the commencement of this item has effect, on and
19 after that commencement, as if it were a funding agreement in force for
20 the purposes of Part 5 of the new law.
- 21 (4) Subitem (3) does not prevent a variation or termination of that
22 agreement on or after the commencement of this item.

23 *Funding conditions*

- 24 (5) The conditions that applied under section 50 of the old law to a payment
25 of funding under Part 5 of the old law that was made before the
26 commencement of this item continue to apply on and after that
27 commencement.

28 **119 Transitional—Strategic Regional Projects**

29 *Part 6 instruments*

- 30 (1) An instrument in force under Part 6 of the old law immediately before
31 the commencement of this item in relation to a project that was an
-

Schedule 1 Amendments

Part 2 Application and transitional provisions

1 AusLink Strategic Regional Project has effect, on and after that
2 commencement, as if:
3 (a) that project were a Nation Building Program Off-Network
4 Project; and
5 (b) that instrument were in force under Part 6 of the new law in
6 relation to that Nation Building Program Off-Network
7 Project.

8 (2) Subitem (1) does not prevent a variation or revocation of that
9 instrument on or after the commencement of this item.

10 *Funding agreement*

11 (3) A funding agreement in force in relation to the AusLink Strategic
12 Regional Project immediately before the commencement of this item
13 has effect, on and after that commencement, as if it were a funding
14 agreement in force in relation to the Nation Building Program
15 Off-Network Project.

16 (4) Subitem (3) does not prevent a variation or termination of that
17 agreement on or after the commencement of this item.

18 *Funding conditions*

19 (5) The conditions that applied under section 62 of the old law to a payment
20 of Commonwealth funding for the AusLink Strategic Regional Project
21 that was made before the commencement of this item continue to apply
22 on and after that commencement.

23 **120 Transitional—Black Spot Projects**

24 *Part 7 instruments*

25 (1) An instrument in force under Part 7 of the old law immediately before
26 the commencement of this item in relation to a project that was an
27 AusLink Black Spot Project has effect, on and after that
28 commencement, as if:
29 (a) that project were a Nation Building Program Black Spot
30 Project; and
31 (b) that instrument were in force under Part 7 of the new law in
32 relation to that Nation Building Program Black Spot Project.

- 1 (2) Subitem (1) does not prevent a variation or revocation of that
2 instrument on or after the commencement of this item.

3 *Funding agreement*

- 4 (3) A funding agreement in force in relation to the AusLink Black Spot
5 Project immediately before the commencement of this item has effect,
6 on and after that commencement, as if it were a funding agreement in
7 force in relation to the Nation Building Program Black Spot Project.

- 8 (4) Subitem (3) does not prevent a variation or termination of that
9 agreement on or after the commencement of this item.

10 *Funding conditions*

- 11 (5) The conditions that applied under section 79 of the old law to a payment
12 of Commonwealth funding for the AusLink Black Spot Project that was
13 made before the commencement of this item continue to apply on and
14 after that commencement.

15 **121 Transitional—Roads to Recovery Program**

16 *1 July 2005 to 30 June 2009 funding period*

- 17 (1) The old law, as in force immediately before the commencement of this
18 item, continues to apply on and after that commencement in relation to
19 a payment made under Part 8 of the old law during the AusLink Roads
20 to Recovery funding period starting on 1 July 2005.

21 Note: For example, this means that the conditions determined under section 90 of the old law
22 would continue to apply to such a payment and amounts would be able to be recovered
23 under section 92 of the old law.

24 *1 July 2009 to 30 June 2014 funding period*

- 25 (2) The Nation Building Program Roads to Recovery List has effect as if
26 the amounts of Commonwealth funding specified in it were amounts to
27 be provided under the Nation Building Program Roads to Recovery
28 Program during the Nation Building Program Roads to Recovery
29 funding period.

- 30 (3) Conditions determined under section 90 of the old law before the
31 commencement of this item to apply in relation to payments to be made
32 under Part 8 of the old law during the period starting on 1 July 2009 and
33 ending on 30 June 2014 continue to apply on and after that

Schedule 1 Amendments

Part 2 Application and transitional provisions

1 commencement as if they had been determined under section 90 of the
2 new law to apply to payments under Part 8 of the new law during that
3 period.

4 (4) Subitem (3) does not prevent a variation or revocation of those
5 conditions on or after the commencement of this item.

6 (5) A notice in force under subsection 91(1) or (2) of the old law
7 immediately before the commencement of this item in relation to a
8 payment to be made to a person or body under Part 8 of the old law
9 during the period starting on 1 July 2009 and ending on 30 June 2014
10 has effect, on and after that commencement, as if it were a notice in
11 force under subsection 91(1) or (2) of the new law in relation to a
12 payment to the person or body under Part 8 of the new law during that
13 period.

14 (6) Subitem (5) does not prevent the revocation of an exemption, or the
15 variation or revocation of a replacement condition, on or after the
16 commencement of this item.

17 **122 Transitional regulations**

18 The Governor-General may make regulations prescribing matters of a
19 transitional nature (including prescribing any saving or application
20 provisions) relating to the amendments made by this Act.