

EXPLANATORY STATEMENT

Issued by Authority of the Minister for Infrastructure and Regional Development

Subject - *Land Transport Infrastructure Amendment Act 2014*

Land Transport Infrastructure Amendment Commencement Proclamation 2014

Item 2 of the table in subsection 2(1) of the *Land Transport Infrastructure Amendment Act 2014* (the Amendment Act) provided that Schedules 1 and 2 to the Amendment Act commenced on a day to be fixed by proclamation. However, if any of the provisions of Schedules 1 and 2 do not commence within six months of the date the Amendment Act receives the Royal Assent, then those provisions were to commence on the first day after the end of that six month period. The Amendment Act received the Royal Assent on 11 September 2014.

Proclamation fixed 10 October 2014 as the day on which Schedules 1 and 2 to the Amendment Act commenced.

The Amendment Act amends the *Nation Building Program (National Land Transport) Act 2009* (the previous Act) to, amongst other things, continue the Roads to Recovery Programme beyond 30 June 2014. All the provisions of the Amendment Act, other than Schedules 1 and 2, commenced on 11 September 2014.

Schedule 1 to the Amendment Act renamed the previous Act to the National Land Transport Act 2014 (the Act), enabled the continuation of the Roads to Recovery Programme and allowed for the Minister to determine a Roads to Recovery List, which is essential for the Programme to be able to function. Schedule 1 also provided that a new type of project can receive funding. This allows for research, investigations, studies or analysis of projects currently or previously funded (under Parts 3 and 7 and the previous Part 6), as well as work funded under the Roads to Recovery Programme to be funded. It also added two new eligible funding recipients to include partnerships and non-corporate Commonwealth bodies, and removed unnecessary duplication of provisions via the separation of Part 3 and Part 6 of the previous Act through combining those two parts in the new Act.

Schedule 2 provided for the repeal of three spent Acts: the *Australian Land Transport Development Act 1988*, the *Railway Standardization (New South Wales and Victoria) Agreement Act 1958* and the *Roads to Recovery Act 2000*. Schedule 2 also provided for consequential amendments to the *Income Tax Assessment Act 1997* and the *Telstra Corporation Act 1991* so definitions in these Acts referred to the correct title of the Act, rather than to the previous Act.

The proposed commencement date allowed the Roads to Recovery Programme to continue so funding can be provided to Local Governments for maintenance of the nation's local road infrastructure.

The Proclamation is a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

The Minute recommended that the Proclamation be made in the form proposed.

Authority: Subsection 2(1) of the
*Land Transport
Infrastructure
Amendment Act 2014*