

Replacement Explanatory Statement

Issued by authority of the Delegate of the Minister for Infrastructure, Transport, Regional Development and Local Government

National Land Transport Act 2014

National Land Transport (Roads to Recovery List) Variation Instrument (No. 1) 2025

Authority

The Instrument is made under ss 88(2A) and 88(3) of the *National Land Transport Act 2014*.

Purpose

The Instrument varies the *National Land Transport (Roads to Recovery List) Determination 2024*. The purpose of this variation is twofold: to specify the bodies that are to receive the funding specified on account of the State of Western Australia in Schedule 2, and to correct the numbering in Schedule 1.

Background

The *National Land Transport (Roads to Recovery List) Determination 2024* made on 14 May 2024 specified the Commonwealth funding to be provided under the Roads to Recovery Program for the funding period of 1 July 2024 to 30 June 2029. Details of the recipients and the amounts received under the Roads to Recovery Program are contained in Schedule 1 of the Determination. Schedule 2 of the Determination provided that \$45,034,055 be specified on account of the State of Western Australia for special projects (bridgeworks and Aboriginal access roads), where the person or bodies that are to receive the amount were not yet decided.

Summary of the *National Land Transport (Roads to Recovery List) Variation Instrument (No. 1) 2025*

The numbering of items 1-4 in Schedule 1 has been varied so that the items now appear in sequential order.

The amounts in items 5-33 inclusive in Schedule 1 have been varied to reflect the direction of payments to the relevant persons or bodies from the amount in Schedule 2.

The amount in schedule 2 has been varied to zero dollars to reflect that the person or bodies to receive that amount have been decided and the money directed to them as provided in the variations to items 5-33.

The *National Land Transport (Roads to Recovery List) Variation Instrument (No. 1) 2025* is a legislative instrument for the purposes of the *Legislation Act 2003*, but is exempt from disallowance under s 88(5) of the *National Land Transport Act 2014*.

The *National Land Transport (Roads to Recovery List) Variation Instrument (No. 1) 2025* commences the day after it is registered.

Consultation

In relation to the *National Land Transport (Roads to Recovery List) Determination 2024*, between January and May 2024, the then Department of Infrastructure, Transport, Regional Development, Communications and the Arts consulted with local government associations, State and Territory Local Government Grants Commissions, and Government departments. Comment was invited by survey, workshop, and email. The department received more than 200 responses to the survey. The majority of responses expressed support for the existing model of funding distribution. Some feedback was provided, considered and subsequently the instrument distributed funding in the same way as the prior funding period, with a positive impact on stakeholders given a universal percentage funding increase.

The amount in Schedule 2 of the *National Land Transport (Roads to Recovery List) Determination 2024* had been set aside to enable the Government of Western Australia (WA) to provide information at a later date about the Aboriginal Access Road and Bridge works which were to receive the funding.

Since 2001, as part of the funding distribution, seven per cent of WA's share of funding is set aside to fund special projects for the construction and maintenance of Bridge and Aboriginal Access Road works. Bridge projects nominated to utilise set aside funding are identified through the Western Australian Local Government Grants Commission's (the Commission) Bridge Committee. This Committee consists of representatives of the Western Australian Local Government Association (WALGA), Main Roads WA and the Commission. Aboriginal Access Roads nominated for the balance of this set aside funding are identified through the Commission's Aboriginal Access Roads Committee. This Committee is made of representatives of the National Indigenous Australians Agency, the WA Department of Planning, Lands and Heritage, the WA Department of Communities, the WA Department of Local Government, Sport and Cultural Industries, Main Roads WA, WALGA and the Commission. Projects are proposed to the relevant Committee which is responsible for selecting projects to use the set aside funds. Successful projects are then endorsed by the Minister for Infrastructure, Transport, Regional Development and Local Government upon advice by the Western Australian Minister for Local Government.

The above arrangements, including the proportion of money set aside, the process through which projects are nominated and selected as successful for funding, is well understood and accepted by the State and local governments of Western Australia.

Noting the original consultation undertaken in January to May 2024, and the process undertaken by the WA Government on the projects to be funded by the set aside funding, it was considered to be sufficient consultation and no further consultation was pursued.

No consultation was determined to be required regarding the remedying of the minor administrative error as the remedy did not affect the amount of funding prescribed in the original instrument to the relevant funding recipients, it only corrected the number sequencing of the items in the list.