

ROAD IMPROVEMENT (SPECIAL FUNDING) ACT 1989
No. 95

NEW SOUTH WALES



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ROAD IMPROVEMENT (SPECIAL FUNDING) ACT 1989 No. 95

NEW SOUTH WALES



Act No. 95, 1989

An Act to increase for 3 years the rate at which petroleum product licence fees are payable and to reserve the resulting increased revenue for certain special purposes; and for other purposes. [Assented to 13 June 1989]

See also Business Franchise Licences (Petroleum Products) (Road Funding) Amendment Act 1989.

Road Improvement (Special Funding) 1989

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Road Improvement (Special Funding) Act 1989.

Commencement

2. This Act commences on a day or days to be appointed by proclamation.

Definitions

3. In this Act—

“Authority” means the Roads and Traffic Authority constituted under the Transport Administration Act 1988;

“Licensing Act” means the Business Franchise Licences (Petroleum Products) Act 1987;

“Roads Fund” means the Roads and Traffic Authority Fund established under the Transport Administration Act 1988.

Increased petroleum licence fees for 3 years

4. (1) For the purposes of section 40 (fees) of the Licensing Act, the prescribed proportion referred to in subsection (3) of that section is increased—

- (a) from 8.4 per cent to 15.55 per cent in respect of motor spirit; and
- (b) from 14 per cent to 25.77 per cent in respect of diesel fuel.

(2) This section operates only in respect of a fee to be paid under the Licensing Act for a licence that takes effect during the 3 year period commencing on the day this section commences.

(3) The reference in subsection (2) to a licence that takes effect during a period includes a reference, in the context of section 46 of the Licensing Act, to a licence that a person was required by that Act to hold that would (if it had been held) have taken effect during that period.

Increased revenue subject to statutory trust for road funding

5. (1) Such part of the amount paid into the Roads Fund under section 48A of the Licensing Act as is attributable to the increase effected by section 4 is subject to a statutory trust for the funding of road improvement and road safety and must be used by the Authority accordingly.

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(2) Without limiting the generality of subsection (1), the funding of road improvement and road safety includes the funding of the following:

- (a) the construction, improvement, maintenance, repair and lighting of public roads in the State (including any road that is a toll work within the meaning of the State Roads Act 1986);
- (b) any purpose reasonably incidental to a purpose referred to in paragraph (a), including (but not limited to) the paving, kerbing and guttering of roads, the planting of trees, lawns and gardens, the construction of special crossings and footways and the construction of drains and sewers;
- (c) the provision, improvement, maintenance and repair of traffic control facilities (as defined in the State Roads Act 1986);
- (d) the advancement and encouragement of road safety, including by the funding of education programs concerned with road safety;
- (e) the granting of financial assistance to the council of a city, municipality or shire for the purpose of defraying costs incurred or to be incurred by the council in doing anything referred to in paragraphs (a)–(d).

(3) The Authority is authorised by this section to exercise any of its functions under the Transport Administration Act 1988 and any other Act for the purpose of road improvement and road safety and the functions of the Authority include the power to do anything described in paragraphs (a)–(e) of subsection (2).

Decisions concerning road funding

6. In deciding how money is to be applied in accordance with the statutory trust under section 5, regard shall be had to the following matters:

- (a) the need for the benefits that flow from expenditure to exceed the expenditure involved;
- (b) the need for safe roads and the need to encourage road safety;
- (c) the need for roads that will increase the competitiveness of industries in the State, particularly industries producing goods for export or goods that will compete with imports on the Australian market;
- (d) the need for roads that will facilitate and encourage travel in the State for tourist purposes;

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- (e) the need to improve road network efficiency;
 - (f) the need to reduce road maintenance costs;
 - (g) the need to preserve the integrity of communities.
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[Minister's second reading speech made in—
Legislative Assembly on 3 May 1989
Legislative Council on 24 May 1989]

ROAD IMPROVEMENT (SPECIAL FUNDING) BILL 1989

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EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The Business Franchise Licences (Petroleum Products) (Road Funding) Amendment Bill 1989 is cognate with this Bill.

The object of this Bill is to enact provisions—

- (a) to increase for 3 years the proportion of the value of petroleum products sold that is required to be paid in licence fees under the Business Franchise Licences (Petroleum Products) Act 1987; and
- (b) to require the extra revenue attributable to the increase mentioned in paragraph (a) to be applied only for the funding of road improvement and road safety (and to make it clear that the Roads and Traffic Authority has power to carry out the work concerned); and
- (c) to require certain matters to be taken into account in deciding how that extra revenue is to be spent.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the proposed Act to commence on a day or days to be appointed by proclamation.

Clause 3 defines "Licensing Act" to mean the Business Franchise Licences (Petroleum Products) Act 1987 and "Authority" to mean the Roads and Traffic Authority.

Clause 4 increases the proportion of the value of petroleum products sold during a period that is required to be paid as the fee for a licence under the Licensing Act. The increase is from 8.4 per cent to 15.55 per cent for motor spirit and from 14 per cent to 25.77 per cent for diesel fuel. The increase operates only for 3 years.

Clause 5 requires the increased revenue attributable to the increase in licence fees under clause 4 to be used only for the funding of road improvement and road safety (and imposes a statutory trust accordingly). This will include the construction, maintenance and repair of roads and associated facilities, funding of road safety programs and grants to local councils for road works and road safety expenditure. The provision also makes it clear that the Authority has power to carry out the road improvement and road safety work concerned.

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Clause 6 requires certain matters to be taken into account in deciding how the increased revenue is to be spent, namely the need for the benefits that flow from expenditure to exceed the expenditure, the need for safe roads and road safety, the need for roads to promote industry (especially export industries) and tourism, and certain other matters.

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ROAD IMPROVEMENT (SPECIAL FUNDING) BILL 1989

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No. , 1989

A BILL FOR

An Act to increase for 3 years the rate at which petroleum product licence fees are payable and to reserve the resulting increased revenue for certain special purposes; and for other purposes.

See also Business Franchise Licences (Petroleum Products) (Road Funding) Amendment Bill 1989.

Road Improvement (Special Funding) 1989

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Road Improvement (Special Funding) Act 1989.

5 Commencement

2. This Act commences on a day or days to be appointed by proclamation.

Definitions

3. In this Act—

10 "Authority" means the Roads and Traffic Authority constituted under the Transport Administration Act 1988;

"Licensing Act" means the Business Franchise Licences (Petroleum Products) Act 1987;

15 "Roads Fund" means the Roads and Traffic Authority Fund established under the Transport Administration Act 1988.

Increased petroleum licence fees for 3 years

4. (1) For the purposes of section 40 (fees) of the Licensing Act, the prescribed proportion referred to in subsection (3) of that section is increased—

- 20 (a) from 8.4 per cent to 15.55 per cent in respect of motor spirit; and
 (b) from 14 per cent to 25.77 per cent in respect of diesel fuel.

(2) This section operates only in respect of a fee to be paid under the Licensing Act for a licence that takes effect during the 3 year period commencing on the day this section commences.

25 (3) The reference in subsection (2) to a licence that takes effect during a period includes a reference, in the context of section 46 of the Licensing Act, to a licence that a person was required by that Act to hold that would (if it had been held) have taken effect during that period.

Increased revenue subject to statutory trust for road funding

30 5. (1) Such part of the amount paid into the Roads Fund under section 48A of the Licensing Act as is attributable to the increase effected by section 4 is subject to a statutory trust for the funding of road improvement and road safety and must be used by the Authority accordingly.

35 (2) Without limiting the generality of subsection (1), the funding of road improvement and road safety includes the funding of the following:

- (a) the construction, improvement, maintenance, repair and lighting of public roads in the State (including any road that is a toll work within the meaning of the State Roads Act 1986);

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- 5 (b) any purpose reasonably incidental to a purpose referred to in paragraph (a), including (but not limited to) the paving, kerbing and guttering of roads, the planting of trees, lawns and gardens, the construction of special crossings and footways and the construction of drains and sewers;
- (c) the provision, improvement, maintenance and repair of traffic control facilities (as defined in the State Roads Act 1986);
- (d) the advancement and encouragement of road safety, including by the funding of education programs concerned with road safety;
- 10 (e) the granting of financial assistance to the council of a city, municipality or shire for the purpose of defraying costs incurred or to be incurred by the council in doing anything referred to in paragraphs (a)–(d).

15 (3) The Authority is authorised by this section to exercise any of its functions under the Transport Administration Act 1988 and any other Act for the purpose of road improvement and road safety and the functions of the Authority include the power to do anything described in paragraphs (a)–(e) of subsection (2).

Decisions concerning road funding

- 20 6. In deciding how money is to be applied in accordance with the statutory trust under section 5, regard shall be had to the following matters:
- (a) the need for the benefits that flow from expenditure to exceed the expenditure involved;
- (b) the need for safe roads and the need to encourage road safety;
- 25 (c) the need for roads that will increase the competitiveness of industries in the State, particularly industries producing goods for export or goods that will compete with imports on the Australian market;
- (d) the need for roads that will facilitate and encourage travel in the State for tourist purposes;
- 30 (e) the need to improve road network efficiency;
- (f) the need to reduce road maintenance costs;
- (g) the need to preserve the integrity of communities.

