

Chapter 1

Conduct of the inquiry

1.1 On 6 March 2014, the Senate referred the Land Transport Infrastructure Amendment Bill 2014 (the bill) to the Senate Rural and Regional Affairs and Transport Legislation Committee (the committee) for inquiry and report by 24 March 2014.

1.2 The Selection of Bills Committee noted the reasons for referral and principal issues for consideration as:

The impact of the Bill in terms of Commonwealth spending on infrastructure and the relationship between Commonwealth and State funding of infrastructure. The impact of the Bill in terms of thresholds that are required to be met before infrastructure projects funded by State or Commonwealth governments are not put out to public tender.¹

1.3 Due to the short time available for the committee's inquiry, the committee agreed not to advertise the inquiry in the national press. However, the committee did write directly to a number of stakeholder groups seeking their comments on the provisions of the bill. The committee received two written submissions (see Appendix 1).

1.4 Given the non-controversial nature of the bill, the committee also agreed not to hold a public hearing in relation to this inquiry.

The bill

1.5 The purpose of the bill is to amend the *Nation Building Program (National Land Transport) Act 2009* and to repeal several pieces of legislation.²

Amendment of the Nation Building Program (National Land Transport) Act 2009

1.6 The key amendments proposed to the *Nation Building Program (National Land Transport) Act 2009* (the NBP Act) include:

- renaming the Act to the *National Land Transport Act 2014*;
- continuing the Roads to Recovery Programme post 30 June 2014;
- combining Parts 3 and 6 of the Act into one part for Investment Projects;
- adding a new eligible project type into Part 4 (Transport Development and Innovation Projects) to allow funding of research and investigations

1 Selection of Bills Committee, *Report No. 2 of 2014*, 6 March 2014, Appendix 5.

2 *Explanatory Memorandum*, Land Transport Infrastructure Amendment Bill 2014, p. 1.

of projects funded under the Act, or submitted for consideration for funding under the Act; and

- adding two new eligible funding recipients – partnerships for Parts 4 and 5 (Funding for land transport research entities) and non-corporate Commonwealth entities for Part 5.³

Repeal of three land transport infrastructure Acts

1.7 The bill would repeal the following three spent land transport infrastructure Acts:

- The ***Australian Land Transport Development Act 1988*** – which was superseded by the then *Auslink (National Land Transport) Act 2005*, now the *Nation Building Program (National Land Transport) Act 2009*.
- The ***Roads to Recovery Act 2000*** – the Roads to Recovery Programme commenced under this Act and in 2005 the Programme was then moved into the then *Auslink (National Land Transport) Act 2005*, now the *Nation Building Program (National Land Transport) Act 2009*.
- **The *Railway Standardization (New South Wales and Victoria) Agreement Act 1958*** – this Act incorporates an agreement between the Australian Government, New South Wales and Victoria to implement gauge standardisation, with the Australian Government providing funding to New South Wales and Victoria for that purpose.

1.8 There are no outstanding claims under either the Australian Land Transport Development Act or the Roads to Recovery Act. It was argued that, as a consequence, both Acts should be repealed.⁴

1.9 It was noted that the works outlined in the Railway Standardisation Agreement Act were completed in 1962 and the last loan repayments were received in June 2013. It was argued therefore, that as the loan has been repaid, the Act should now be repealed.⁵

Comment of Senate Scrutiny of Bills Committee

1.10 The Senate Standing Committee for the Scrutiny of Bills has a standing brief to consider all bills as to whether they trespass unduly on personal rights and liberties, and related matters.

3 *Explanatory Memorandum*, Land Transport Infrastructure Amendment Bill 2014, p. 2.

4 *Second Reading Speech*, Land Transport Infrastructure Amendment Bill 2014, p. 6.

5 *Second Reading Speech*, Land Transport Infrastructure Amendment Bill 2014, p. 7.

1.11 The Scrutiny of Bills Committee indicated that it had no comment to make on this bill.⁶

6 Senate Standing Committee for the Scrutiny of Bills, *Alert Digest, No. 2 of 2014*, 5 March 2014, p. 12.

