

# Road Improvement (Special Funding) Act 1989

## No 95

[1989-95]



New South Wales

### Status Information

#### Currency of version

Current version for 22 January 2021 to date (accessed 3 May 2024 at 20:09)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

#### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

#### Responsible Minister

- Treasurer

For full details of Ministerial responsibilities, see the [Administrative Arrangements \(Minns Ministry—Administration of Acts\) Order 2023](#).

#### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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# Road Improvement (Special Funding) Act 1989 No 95



New South Wales

An Act to make provision with respect to special funding for road improvement, road safety and road related public transport infrastructure; and for other purposes.

## 1 Name of Act

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

## 2 Commencement

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

## 3 Definitions

In this Act—

**financial year** means a period of 12 months commencing on 1 July.

**Roads Fund** means the TfNSW Fund established under the *Transport Administration Act 1988*.

## 3A Standing appropriation of percentage of certain taxes paid on petroleum products

- (1) There is appropriated by this section each financial year for payment out of the Consolidated Fund into the Roads Fund an amount equal to 44.5% of the net petroleum products revenue of the State during that financial year.
- (2) The net petroleum products revenue of the State during a financial year is the amount that the Treasurer determines has been paid, during that year, to the State by the Commonwealth under the *States Grants (General Purposes) Act 1994* of the Commonwealth as revenue replacement payments for petroleum business franchise licence fees, less the amount that the Treasurer determines has been paid during that financial year by way of State petroleum subsidies.
- (3) An amount appropriated by this section is to be rounded to the nearest \$1,000.
- (4) The appropriation made by this section extends to the period commencing 5 August

1997. The first financial year to which this section applies is taken to be the period commencing on 5 August 1997 and ending on 30 June 1998.

- (5) A determination made by the Treasurer for the purposes of this section is conclusive.
- (6) Payments to the Roads Fund in respect of an appropriation under this section are to be made in such instalments and at such times as the Treasurer determines. Any such payments may be made before the end of the financial year to which that appropriation relates, subject to any necessary adjustment at the end of that financial year.
- (7) In this section—

***petroleum business franchise licence fees*** means the fees previously payable under the *Business Franchise Licences (Petroleum Products) Act 1987*.

***State petroleum subsidies*** means subsidies paid under the *Petroleum Products Subsidy Act 1997*, including ex gratia payments generally of the nature authorised by that Act.

#### **4 (Repealed)**

#### **5 Appropriated money subject to statutory trust for road funding**

- (1) The amount paid into the Roads Fund under section 3A is subject to a statutory trust for the funding of road improvement, road safety and road related public transport infrastructure and must be used by Transport for NSW accordingly.
- (2) Without limiting the generality of subsection (1), the funding of road improvement, road safety and road related public transport infrastructure 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 tollway within the meaning of the *Roads Act 1993*),
  - (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 (within the meaning of the *Roads Act 1993*),
  - (d) the advancement and encouragement of road safety, including by the funding of education programs concerned with road safety,
  - (d1) road related public transport infrastructure that is designed to benefit the road

network by increasing transport alternatives to private vehicle use, by providing for improvements to road related public transport facilities or by assisting in the integration of different passenger transport systems,

- (e) the granting of financial assistance to a council (within the meaning of the [Local Government Act 1993](#)) for the purpose of defraying costs incurred or to be incurred by the council in doing anything referred to in any of the foregoing paragraphs.

(2A) A reference in this section to road related public transport infrastructure includes a reference to—

- (a) dedicated bus lanes, transit lanes, cycleways and facilities for high occupancy vehicles, and
- (b) bus facilities and bus shelters, and
- (c) technologies to facilitate public transport road operations, and
- (d) transport interchanges, and
- (e) off-road parking facilities adjacent to major arterial roads, and
- (f) commuter parking, bus facilities and bicycle lockers at railway stations, and
- (g) bus, bicycle and pedestrian access to railway stations, transport interchanges and major residential, recreational, commercial and industrial centres.

(3) Transport for NSW 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, road safety and road related public transport infrastructure and the functions of Transport for NSW include the power to do anything described in any of the paragraphs of subsection (2).

## **6 Decisions concerning road funding**

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,

- (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,
- (h) the need to develop and improve the efficient and effective operations of transport interchanges,
- (i) the need to provide alternative off-road parking facilities adjacent to major arterial roads to enable bus lanes and transit lanes to be created,
- (j) the need to improve the efficiency of movement of public transport along major arterial roads.