

South Australia



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ELIZABETHAE II REGINAE
A.D. 2001

RAIL TRANSPORT FACILITATION FUND ACT 2001

No. 54 of 2001

[Assented to 8 November 2001]

An Act to facilitate rail transport by establishing a fund dedicated for the purpose;
and for other purposes.

SUMMARY OF PROVISIONS

1. Short title
2. Commencement
3. Interpretation
4. Establishment of Fund
5. Rail facilitation projects
6. Appropriation and authorisation

The Parliament of South Australia enacts as follows:

Short title

1. This Act may be cited as the *Rail Transport Facilitation Fund Act 2001*.

Commencement

2. This Act will come into operation on a day to be fixed by proclamation.

Interpretation

3. In this Act—

"Fund" means the Rail Transport Facilitation Fund;

"rail facilitation project"—*see* section 5(2).

Establishment of Fund

4. (1) The Rail Transport Facilitation Fund is established.

(2) The Fund is to consist of—

- (a) the money appropriated by Parliament for the purposes of the Fund; and
- (b) income derived by the State from the sale or leasing of railway assets, other than income excluded from the operation of this section by determination of the Treasurer after consultation with the Minister; and
- (c) income derived by the State from rail facilitation projects; and
- (d) other money received by the State for payment into the Fund, or that should, according to a determination of the Minister made with the concurrence of the Treasurer, be applied for the purposes of the Fund; and
- (e) income derived from the investment of the Fund.

(3) The Minister may invest money from the Fund that is not immediately required for the purposes of the Fund as may be authorised by the Treasurer.

(4) The Minister may, with the Treasurer's approval, borrow money for the purposes of the Fund from the Treasurer or from some other source.

(5) The Minister may, in connection with the operation of subsection (4)—

- (a) pay interest on any borrowings; or
- (b) repay any borrowings; or
- (c) pay for any other costs associated with any borrowings,

and, for these purposes, apply money from the Fund.

(6) The Treasurer may, after consultation with the Minister, pay into the Fund money held by a Government Department or agency immediately before the commencement of this Act for transport purposes.

(7) This section is (without further appropriation) sufficient authority for the payment of money under subsection (6).

Rail facilitation projects

5. (1) The Minister may apply money from the Fund towards rail facilitation projects (whether carried out by the Minister or by any other person or body), other than projects for the facilitation of metropolitan passenger rail services.

(2) A rail facilitation project is a project for—

- (a) the establishment, extension or improvement of a railway or associated equipment or infrastructure; or
- (b) the acquisition or development of land for a purpose associated with a railway; or
- (c) promoting, supporting or improving rail transport in some other way.

(3) Money may be applied under this section—

- (a) by way of grant; or
- (b) by way of loan; or
- (c) for the purchase of land, equipment, infrastructure or materials; or
- (d) for the performance of any work or the provision of any service; or
- (e) in any other manner authorised by the Treasurer.

(4) The Minister may enter into an agreement with any other person or body as to the terms on which money will be made available under this section.

Appropriation and authorisation

6. This Act is sufficient authority—

- (a) for the payment of money from the Fund, without further appropriation; and
- (b) for the carrying out of any rail facilitation project by the Minister.