

# **Accelerated Bruce Highway Upgrade Package**

**Memorandum of Understanding between  
the Commonwealth of Australia and the  
State of Queensland**

**Memorandum of Understanding (MOU)**  
**Between the Commonwealth of Australia and the State of Queensland**  
**in Respect of the Accelerated Bruce Highway Upgrade Package**

1. Upon signing this MOU, the Commonwealth of Australia ('the Australian Government') will pay \$347.010 million ('the Funding') to the State of Queensland (Queensland) before 30 June 2006, for the works specified in Attachment A to this MOU which collectively form the Accelerated Bruce Highway Upgrade Package ('the Package').
2. The Australian Government will provide Queensland with the Funding and Queensland will implement the Package in accordance with:
  - (a) the *AusLink (National Land Transport) Act 2005* (Cth) (the Act);
  - (b) the Project Approval Instrument under subsections 9(1) and 17(1) of the Act;
  - (c) the agreement between the Australian Government and the State of Queensland for the *Implementation of the AusLink National Land Transport Plan in the period 2004-2009* ('the Bilateral Agreement'), and in particular those specified in paragraph 3(h) below;
  - (d) the parts of the *Notes on Administration for the Auslink Investment Programme* issued in March 2006 ('Notes on Administration'), as amended from time to time, specified in paragraph 3(f) below; and
  - (e) this MOU.
3. **The following matters are agreed between the parties to this MOU:**
  - (a) Queensland will use its best endeavours to complete the Package by 31 December 2009.
  - (b) Subject to paragraph 3(e) below, Queensland will ensure that the Funding, and any interest earned on the Funding, is only expended on the works set out in Attachment A.
  - (c) Queensland will hold the Funding in such a way as to enable the Funding, and any interest earned, to be separately identifiable.
  - (d) The Australian Government will not provide any further funding to Queensland for completion of the Package and Queensland will bear any costs over \$347.01 million, together with any interest earned that may be required to complete the Package.
  - (e) After the Package is completed, Funding that remains unspent including any interest earned may, subject to the Australian Government's agreement, be applied to other works on the AusLink National Network in Queensland. In such a case, the Australian Government will issue a new project approval instrument or vary an existing project approval instrument under the Act.



- (f) Queensland will comply with the reporting requirements set out in Appendices B, D and E in the Notes on Administration. Queensland will also provide monthly reports in the form set out in Appendix C, although as Funding will have already been provided no payments will be made.
- (g) In addition, Queensland will provide statements of expenditure and details of the balance of funding at any time the Australian Government requests such statements.
- (h) The following specific clauses of the Bilateral Agreement between the Australian Government and the Queensland Government will apply in respect of the Package:
  - i. Clauses 34 and 35 which deal with eligible and ineligible costs (with the clarification that for the purposes of this MOU that land acquisition will be an eligible cost);
  - ii. Sub-Clause 40(a) (provision of an expenditure budget by 28 February each year);
  - iii. Clause 58 which deals with the National Code of Practice for the Construction Industry and Implementation Guidelines;
  - iv. Clauses 60 to 68 and Schedule C which deal with recognition arrangements with the added requirement that a media events schedule will also be prepared for the Package, which will include a six-monthly joint public announcement on progress with the Package;
  - v. Clause 84 which deals with the Australian Government's right to participate in project planning and/or to review project delivery. (For the purpose of this Package a joint steering committee will be established to oversight delivery and make recommendations to Ministers on priorities that emerge from planning studies);
  - vi. Clause 104 which deals with evaluation; and
  - vii. Clause 118 which deals with notification and resolution of issues.
- 4. Queensland will comply with all relevant Commonwealth and State legislation and statutory requirements, including environment and heritage legislation and local government planning approvals and the tender requirements regarding the Free Trade Agreement set out in the Bilateral Agreement.
- 5. In the event that Queensland is not able to comply with the terms of this MOU it will immediately advise the Australian Government, which may:
  - (a) seek the return of that part of the funding to which the non compliance relates; and/or
  - (b) take this into account when considering future land transport infrastructure funding for the States and Territories.
- 6. This MOU may be amended with the agreement of both parties. Any amendments must be in writing.





## **Attachment A – Accelerated Bruce Highway Upgrade Package**

The Accelerated Bruce Highway Upgrade Package comprises the following works on the Bruce Highway:

### **(a) Corduroy Creek to Tully High School - Flood Improvements**

Realignment and upgrading of a 15km section of the Bruce Highway between Corduroy Creek and Tully High School (but excluding a bypass of Tully) to improve flood immunity and road safety, including the Tully River bridge and Murray Flats sections.

The agreed objective is for the maximum time of closure in a 50 year event to be 48 hours and the average annual time of closure to be no more than 10 hours.

The route to be upgraded generally follows the existing highway south of the Tully River. North of the Tully River the proposed route closely follows the North Coast rail line, which takes it away from the Banyan Creek floodplain and closer to the floodplain boundary.

The highway will be raised as necessary, with the amount and size of drainage structures to be included in the upgrade, to be determined, having regard to the flow patterns and flood modelling outcomes developed in planning the project.

The proposed upgrade will improve the road geometry, rationalise intersection accesses and provide for future 4-laning of this section when it becomes warranted. An alliance contract arrangement is proposed for this work.

Main Roads will continue to work with landowners to identify ways to further minimise land and agricultural impacts, to the extent possible, as the detailed design of the upgrade is developed.

Staging possibilities for the upgrade will be considered so that the traffic benefits of an improved highway can be delivered earlier.

### **(b) Program of flood mitigation measures between Townsville and Cairns including the following.**

Planning for upgrading priority flood-prone river crossings and approaches at:

- Mulgrave River, Gordonvale in Cairns City
- Arnot Creek, north of Ingham in Hinchinbrook Shire
- Seymour River, north of Ingham in Hinchinbrook Shire
- Gairlock floodway, north of Ingham in Hinchinbrook Shire
- Kingsbury Creek, north of Ingham in Hinchinbrook Shire
- Cattle and Frances Creeks, south of Ingham in Hinchinbrook Shire

with construction priorities to be jointly agreed, following detailed design and assessment of costs and benefits, within available funds.

Planning, design and construction between Tokalon Road and McIllwraith Street, south of Ingham which incorporates improved flood immunity at Pound and Cemetery Creeks.

Planning and upgrading of culverts and minor floodways, including:

- Canal Creek, south of Mirriwinni in Cairns City
- Victory Creek in Johnstone Shire
- Vicinity of August Moon Caravan Park in Johnstone Shire.

**(c) Program of safety, amenity and efficiency works between Townsville and Cairns, including the following.**

Priority overtaking lanes, including:

- four overtaking lanes between Innisfail and Cairns – Victory Creek to Jogo Road and Moody Road to Todd Road in Johnstone Shire; and Musemeci Road to Staggan Road and Giddens Creek to Babinda in Cairns City
- northbound and southbound overtaking lanes between Digger Creek (Ingham-Innisfail) in Johnstone Shire
- northbound and southbound overtaking lanes between Toomulla Beach Road and Balgal Beach Road, north of Bell's Creek (Townsville-Ingham) in Thuringowa City.

Intersection improvements at priority locations, including:

- McIllwraith Street and Lannercost Street in Ingham in Hinchinbrook Shire
- Lily Street, Innisfail in Johnstone Shire
- minor intersection upgrades along the Townsville-Cairns link to improve traffic safety.

Pavement strengthening/rehabilitation of priority sections between Townsville and Cairns.

Planning and design for extension of four-laning to Veales Road, north of Townsville, including intersection upgrade at Mt Low Parkway.

Fatigue management measures, including signage and rest area improvements.