

1985

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

Presented and read a first time, 11 September 1985

(*Minister for Transport*)

A BILL

FOR

**An Act to impose a charge by way of or in the nature of a tax in
respect of the registration of a motor vehicle or trailer under the
*Interstate Road Transport Act 1985***

BE IT ENACTED by the Queen, and the Senate and the House of
Representatives of the Commonwealth of Australia, as follows:

Short title

5 1. This Act may be cited as the *Interstate Road Transport Charge Act
1985*.

Commencement

2. (1) Sections 1 and 2 shall come into operation on the day on which this
Act receives the Royal Assent.

10 (2) Sub-section 3 (2) shall come into operation on the day on which section
5 of the *Interstate Road Transport Act 1985* comes into operation.

(3) The remaining provisions of this Act shall come into operation on the
day on which Part III of the *Interstate Road Transport Act 1985* comes into
operation.

Interstate Road Transport Act

3. (1) The *Interstate Road Transport Act 1985* is incorporated and shall be read as one with this Act.

(2) Section 5 of the *Interstate Road Transport Act 1985* applies in relation to this Act in like manner as it applies in relation to Parts II and III of that Act.

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Imposition of charge

4. (1) Subject to sub-section (2), a charge is imposed on the registration of a motor vehicle or trailer.

(2) Sub-section (1) does not apply to motor vehicles or trailers, or motor vehicles or trailers included in a class of motor vehicles or trailers, that are exempt from charge under the regulations.

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Amount of charge

5. (1) The amount of charge in respect of the registration of a motor vehicle or trailer is—

(a) in the case of a motor vehicle or trailer in relation to which a nomination has been accepted under sub-section 15 (4) of the *Interstate Road Transport Act 1985*—the actual distance amount in relation to the motor vehicle or trailer; or

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(b) in any other case, an amount equal to—

(i) if the registration is for a period of one year—the imputed distance amount in relation to the motor vehicle or trailer; or

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(ii) if the registration is for a period of less than one year—an amount calculated in accordance with the formula $\frac{A B}{C}$,

where—

A is the imputed distance amount in relation to the motor vehicle or trailer;

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B is the number of whole days in the period that is applicable to the registration under sub-section 9 (3) of the *Interstate Road Transport Act 1985*; and

C is 365.

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(2) For the purposes of this Act and the *Interstate Road Transport Act 1985*—

(a) the actual distance amount in relation to a registered motor vehicle or trailer is such amount as is ascertained in accordance with the regulations under this Act by reference to—

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(i) the distance travelled by the motor vehicle or trailer during the period the registration was in force as measured by an appropriate charge monitoring device fitted to the motor vehicle or trailer; and

(ii) any other matter or thing relating to the design or use of a class of motor vehicles or trailers in which the motor vehicle or trailer is included that is capable of affecting damage done to roads; and

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(b) the imputed distance amount in relation to a registered motor vehicle or trailer is such amount as is ascertained in accordance with the regulations under this Act by reference to—

- (i) the distance that, under the regulations under this Act, is fixed as the imputed distance in relation to a class of motor vehicles or trailers in which the motor vehicle or trailer is included; and
- (ii) any other matter or thing relating to the design or use of a class of motor vehicles or trailers in which the motor vehicle or trailer is included that is capable of affecting damage done to roads.

(3) The Governor-General, in making regulations for the purposes of sub-section (2), shall have regard only to the cost of maintenance and upkeep of roads that are used by registered motor vehicles and trailers, being maintenance and upkeep that is required as a result of damage done by those motor vehicles and trailers.

Regulations

6. The Governor-General may make regulations for the purposes of sub-sections 4 (2) and 5 (2).

