

1988

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

INTERSTATE ROAD TRANSPORT AMENDMENT BILL 1988

INTERSTATE ROAD TRANSPORT CHARGE AMENDMENT BILL 1988

EXPLANATORY MEMORANDUM

(Circulated by authority of the Minister for Transport and
Communications, Senator the Hon. Gareth Evans, Q.C.)

INTERSTATE ROAD TRANSPORT AMENDMENT BILL 1988

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Outline

The purpose of these Bills is to amend the Interstate Road Transport Act 1985 and the Interstate Road Transport Charge Act 1985.

The Acts primarily provide the legislative framework for the Federal Interstate Registration Scheme for vehicles solely engaged in interstate trade and commerce. The collection of registration charges from these vehicles helps to recover the cost of road wear caused by their operation. Registration charges are paid into the Interstate Road Transport Trust Fund and are distributed to the States and Territories for the maintenance and upkeep of roads used by Federally registered vehicles.

The principal amendments provide for vehicle mass limits to be regulated under the Federal Interstate Registration Scheme. The regulation of mass limits will allow registered vehicles to operate to higher uniform Australia-wide mass limits, provided the appropriate registration charge is paid. In addition the inclusion of a general regulation making power will enable vehicle operating standards to be regulated. This power will initially be used to implement a ban on smoking on buses and coaches registered under the Scheme.

The inclusion of vehicle mass limits under the Federal Interstate Registration Scheme will enable the Federal Government to implement its part of a second stage package of reforms for the road transport industry. This package which also includes increased speed limits and revised driving hours was agreed by Federal, State and Territory Ministers for Transport in December 1987.

The remaining amendments are of a minor technical and administrative nature required to streamline the operation of the Federal Interstate Registration Scheme for State authorities who administer the scheme on the Federal Government's behalf and for users of the scheme, the road transport industry.

Financial Impact

The net budgetary impact of these amendments will be nil. All registration charges will be paid into the Interstate Road Transport Trust Fund and will continue to be fully distributed to the States and Territories.

All administrative costs incurred by the State and Territory authorities administering the scheme are met through the levying of fees. No additional staffing requirements or administration will arise for the Federal Department of Transport and Communications.

Structure of Bills

The Bills provide for the regulation of mass limits for vehicles registered under the Interstate Road Transport Act 1985 and for a general regulatory power relating to vehicle operating standards. Provisions are also included which streamline administrative aspects of the operation of the Federal Interstate Registration Scheme.

INTERSTATE ROAD TRANSPORT AMENDMENT BILL 1988

Clause 1 - Short title etc.

This is the formal clause providing for the citation of the Amending Act and the Principal Act.

Clause 2 - Commencement

All provisions in this Act come into force on 1 July 1988.

Clause 3 - Arrangements with the States etc.

This clause amends Section 6 of the Principal Act to provide for the States to revoke the formal arrangement under which they administer the vehicle registration scheme on behalf of the Commonwealth, after giving at least six (6) months notice.

Clause 4 - Cancellation or suspension of registration

Section 11 of the Principal Act has been amended so that where a vehicle registration charge and fees are paid by cheque and the cheque is subsequently dishonoured the Registration Authority may suspend or cancel the registration of the vehicle concerned. Conditions which must be met before this power can be invoked will be specified in the Regulations.

Clause 5 - Mass limits of registered motor vehicles

This clause provides for the inclusion of Section 12A which ensures that registered motor vehicles operating within the Federal mass limits fixed under the Act are not subject to State or Territory mass limit laws.

Clause 6 - Regulations may make further provision with respect to registered motor vehicles etc.

Clause 6 amends Section 13 of the Principal Act to require a motor vehicle or trailer registered under the Interstate Road Transport Act 1985 to comply with mass limits specified in the Regulations.

Clause 7 - Advance on account of charge

This clause amends Section 17 of the Principal Act by removing the option of crediting to a re-registration an amount of charge corresponding to the unused portion of a registration period originally paid as an advance on account of charge.

Clause 8 - Refund of charge on cancellation or surrender

This clause amends Section 18 of the Principal Act by removing the option of crediting to another registration an amount of charge corresponding to the unused portion of a registration period.

Clause 9 - Monitoring devices to be fitted in accordance with the regulations

This clause amends Section 38 of the Principal Act to remove a minor anomaly that could have led to the improper installation of monitoring devices.

Clause 10 - Effect of this Act and regulations on State and Territory laws

Clause 10 amends Section 52 of the Principal Act by including mass limits as an area where the Act applies to the exclusion of a law of a State or Territory in cases of inconsistency.

Clause 11 - Penalties for corporations

This clause deletes Section 54 of the Principal Act relating to penalties for corporations as these matters are now covered by the Crimes Act.

Clause 12 - Regulations

Clause 12 amends Sub-section 56(2) of the Principal Act by providing for the regulations to

- (a) regulate the use and operation of, and operating standards for registered vehicles
- (b) prohibit or regulate activities in or on registered vehicles
- (c) provide for fees to be levied for all functions associated with registered vehicles
- (d) specify penalties not exceeding \$3000 for mass limit offences.

Clause 12 also inserts Sub-section 56(3) which provides for the regulations to pick up instruments in force at a particular time or in force from time to time and Sub-section 56(4) which limits registration and licensing fees to \$100.

INTERSTATE ROAD TRANSPORT CHARGE AMENDMENT BILL 1988

Clause 1 - Short title etc.

This is the formal clause providing for the citation of the Amending Act and the Principal Act.

Clause 2 - Commencement

This clause provides for the Act to come into effect on 1 July 1988.

Clause 3 - Amount of charge

This clause amends sub-section 5(4) of the Principal Act which provides for the maximum level of charge which may be imposed on certain vehicle types.

The \$1000 limit on registration charges has been retained for all vehicles with a gross combination mass not exceeding 38 tonnes.

The method of calculation of a vehicle's gross combination mass will be provided by regulations dealing with mass limits under the Interstate Road Transport Act 1985.

