

THE PARLIAMENT OF THE COMMONWEALTH
OF AUSTRALIA

HOUSE OF REPRESENTATIVES

INTERSTATE ROAD TRANSPORT AMENDMENT BILL 1995

INTERSTATE ROAD TRANSPORT CHARGE AMENDMENT BILL 1995

EXPLANATORY MEMORANDUM

(Circulated by authority of the Minister for Transport,
the Honourable Laurie Brereton MP)

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INTERSTATE ROAD TRANSPORT AMENDMENT BILL 1995**INTERSTATE ROAD TRANSPORT CHARGE AMENDMENT BILL 1995****OUTLINE**

1. The purpose of these Bills is to amend the *Interstate Road Transport Act 1985* and the *Interstate Road Transport Charge Act 1985* in accordance with national charging and regulatory arrangements being developed by the National Road Transport Commission (NRTC).
2. These Acts provide the legislative framework for the Federal Interstate Registration Scheme (FIRS) for vehicles 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. Amounts equivalent to registration charges are paid into the Interstate Road Transport Fund and are distributed to the States and Territories for the maintenance and upkeep of roads used by vehicles registered in accordance with section 8(1) of the Act.
3. The amendments reflect the charges developed by the NRTC and agreed by the Ministerial Council for Road Transport. The Road Transport Charges (Australian Capital Territory) Act 1993 gives effect to these charges in the ACT and sets the model for other jurisdictions to pass through complementary legislation. The charges will come into effect in the ACT from 1 July 1995.
4. The amendments to the Interstate Road Transport Act provide for the removal of the option to nominate the actual distance amount as the amount of charge to be payable in respect of registration and the removal of the option to pay the registration charge by instalments.
5. Other amendments remove references to motor vehicle and trailer charge monitoring devices used for the purpose of calculating the actual distance amount.
6. The amendments to the Interstate Road Transport Charge Act replace the actual distance amount and imputed distance amount for the calculation of the registration charge with an annual registration charge set out in a Schedule to the Act.
7. The amendments are to take effect from 1 July 1995.

FINANCIAL IMPACT

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

9. 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.

INTERSTATE ROAD TRANSPORT AMENDMENT BILL 1995

NOTES ON CLAUSES

Clause 1 - Short title etc

1. This is the formal clause providing for the citation of the proposed Act, and defining "Principal Act" for the purposes of the proposed Act.

Clause 2 - Commencement

2. All clauses in the proposed Act will come into force at the commencement of the Interstate Road Transport Charge Amendment Act 1995.

Clause 3 - Amendments

3. The amendments to the Principal Act are set out in the Schedule to this Act.

Schedule

Item 1 - Subsection 3(1) (definition of "vehicle")

4. The amendment will change the definition of "vehicle" to exclude vehicles with a mass rating for charging (MRC) of less than or equal to 4.5 tonnes.

Item 2 - Subsection 3(1) (definitions of "charge monitoring device", "motor vehicle charge monitoring device" and "trailer charge monitoring device")

5. This amendment will remove the definitions of "charge monitoring device", "motor vehicle charge monitoring device" and "trailer charge monitoring device" which are no longer required when section 15 is repealed.

Item 3 - Subsection 3(1) (definitions of "compliance plate" and "MRC")

6. The amendment includes a definition of "compliance plate" and defines the "mass rating for charging" as the maximum mass of the vehicle, including any load, or its operating mass.

Item 4 - Subsections 9(1)(b)(i) and (ii)

7. The amendments will remove reference to section 17 advance on account of charge and instalment payments which will have no application when sections 17 and 17A are repealed.

Item 5 - Paragraphs 11 (1)(f), (1)(g),

8. The amendments will replace the paragraphs with new paragraph 11(1)(f) which removes references to instalment

payments under section 17A and advance on account of charge which have no application when sections 17 and 17A are repealed.

Item 6 - Paragraphs 11(2)(ca) and (cb)

9. The amendment will replace the paragraphs with new paragraph 11(2)(ca) which removes references to instalment payments under section 17A and advance on account of charge which have no application when sections 17 and 17A are repealed.

Item 7 - Section 14

10. The amendment will replace section 14 with new section 14 which removes the reference to an advance on account of charge which will have no application when section 17 is repealed.

Item 8 - Section 16

11. The amendment will replace section 16 with a new section 16 which removes the reference to a nomination made under section 15 and reference to section 17A which will have no application when sections 15 and 17A are repealed.

Item 9 - Sections 15, 17 and 17A

12. Sections 15, 17 and 17A will be repealed.

13. Consistent with the Ministerial Council decision to adopt the charges developed by the NRTC, the amendment will remove the option for the owner of a vehicle to nominate the actual distance amount as the registration charge.

14. Section 17 at present relates to an advance on account of charge where a nomination has been made under section 15 and will have no application when section 15 is repealed.

15. The amendment will remove the option to pay the registration charge by instalments.

Item 10 - Section 18

16. The amendment will replace section 18 with new section 18 which removes the reference to a nomination made under section 15 which will have no application when section 15 is repealed.

Item 11 - Section 20

17. The amendment will replace section 20 with new section 20 which removes the reference to an advance under section 17 which will have no application when section 17 is repealed.

Item 12 - Subsections 36(2), (3), (4) and (5)

18. The amendment will omit these subsections. These subsections relate to charge monitoring devices for the purposes of a nomination made under section 15 and will have no application when section 15 is repealed. The amendments will retain provision for the regulations to specify standard monitoring devices and require the fitting of such devices in accordance with the regulations.

Item 13 - Section 38

19. The amendment will omit the reference to the Interstate Road Transport Charge Act 1985. This amendment is necessary as the repeal of section 15 and the ability of owners to nominate an actual distance amount for charging purposes will mean that monitoring devices have no relevance to that Act.

Item 14 - Subsection 39(1)

20. The amendment will replace subsection 39(1) with new subsection 39(1) which omits paragraph 39(1)(b). This paragraph relates to charge monitoring devices for the purposes of a nomination made under section 15 and will have no application when section 15 is repealed.

Item 15 - Subsection 39(2)

21. The amendment will replace the reference to paragraph (1)(g) to reflect renumbered paragraphs by the amendment in Item 14.

Item 16 - Section 40

22. The amendment will replace section 40 with new section 40 which omits paragraph 40(b). This paragraph relates to charge monitoring devices for the purposes of a nomination made under section 15 and will have no application when section 15 is repealed.

INTERSTATE ROAD TRANSPORT CHARGE AMENDMENT BILL 1995**NOTES ON CLAUSES****Clause 1 - Short title etc**

1. This is the formal clause providing for the citation of the proposed Act and defining "Principal Act" for the purposes of the proposed Act.

Clause 2 - Commencement

2. All provisions in the proposed Act will come into force on 1 July 1995.

Clause 3 - Amendments

3. The amendments to the Principal Act are set out in the Schedule to this Act.

Schedule**Item 1 - Section 5**

4. Section 5 will be replaced. At present section 5 provides for an actual distance amount where a nomination has been made under section 15 of the Interstate Road Transport Act and will have no application when that section is repealed.

5. The amendment will also repeal the reference to an imputed distance amount.

6. The amendment will provide that where a vehicle falls within 2 or more vehicle categories for the purposes of the Schedule, the registration charge for the vehicle will be the highest of those charges that could apply.

7. A new section 6 will provide that the amounts specified in the Schedule may be altered by regulations but that such an alteration must not vary by more than 5%.

Item 2 - Add at the end

8. A Schedule is to be added to the end of the Principal Act.

9. Section 1 of Part 1 of the Schedule will provide a list of definitions relevant to the table of registration charges in Part 2.

10. Section 2 will clarify axle groups for the purposes of the Schedule.

11. Section 3 will provide that for the purposes of determining the number of trailers that may be towed, a

dolly and a semi trailer when used together will be regarded as one trailer.

12. Section 4 will provide that nothing in the Schedule applies to vehicles with a mass rating for charging less than or equal to 4.5 tonnes.

13. Part 2 sets out the registration charges applicable to load carrying vehicles, load carrying trailers and buses.

Item 3 - Section 7

14. The amendment will remove the reference to subsection 5(2) which relates to the actual distance amount and the imputed distance amount and will have no application with the amendments proposed in Item 1. The amendment will provide that the Governor-General may make regulations for the purposes of new section 6.