

1985

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

INTERSTATE ROAD TRANSPORT BILL 1985

INTERSTATE ROAD TRANSPORT CHARGE BILL 1985

EXPLANATORY MEMORANDUM

(Circulated by authority of the Minister for Transport,
the Hon. Peter Morris MHR)

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OUTLINE

The Interstate Road Transport Bill and the Interstate Road Transport Charge Bill provide for the registration of vehicles and the licensing of operators engaged in interstate trade and commerce. Funds collected by the registration scheme are to be applied for the maintenance and upkeep of roads used by registered vehicles.

Structure of Bills

The Interstate Road Transport Bill and the Interstate Road Transport Charge Bill are integral elements of a legislative framework providing for a Federal system for registering vehicles engaged in interstate trade and commerce. The provisions for the Federal interstate vehicle registration scheme have been divided into two component parts to reflect established Parliamentary practice. The Interstate Road Transport Bill provides for an interstate vehicle registration scheme and trust fund, while the Interstate Road Transport Charge Bill provides for charges to be levied to recover the costs of road maintenance and upkeep.

The Interstate Road Transport Bill, in addition, makes provision for a Federal system of licensing operators engaged in interstate trade and commerce.

Interstate Vehicle Registration Scheme

The Federal interstate vehicle registration scheme is designed to remove the anomaly of vehicles solely engaged in interstate trade and commerce escaping the payment of reasonable registration charges which recover the costs of road damage.

The Interstate Road Transport Bill and the Interstate Road Transport Charge Bill provide for:

- . registration of motor vehicles engaged in interstate, State/Territory or Territory/Territory trade and commerce
- . collection of charges from registered vehicles to recover the costs of road damage
- . payment of vehicle registration charges into a trust fund
- . distribution of trust funds to the States and Territories for expenditure on roads used by registered vehicles.

The Interstate Road Transport Bill replaces existing State provisions for registering vehicles solely engaged in interstate trade and commerce with Federal registration arrangements. Vehicles engaged in intrastate trade, or a mixture of intrastate and interstate trade, would continue to be registered under existing State laws. As a consequence all classes of vehicles will pay either Federal or State registration charges.

The Bills provide the owner of an interstate vehicle with two options for paying the registration charge:

- . provision is made for the charge to be paid on the basis of the actual distance travelled by the vehicle as measured by approved distance monitoring equipment installed in the vehicle
- . alternatively, provision is made for a registration charge to be paid on the basis of an assessment of the number of kilometres which the vehicle could be expected to travel during the registration period. This approach offers simplicity in administration and would apply to those vehicles not fitted with approved monitoring equipment.

Under both options provision is made for a uniform charge per tonne-kilometre to be set to recover a portion of road damage costs.

The initial level of charge is to be set in accordance with the recommendations of the Report of the National Road Freight Industry Inquiry. Future charges will be considered following a recent reference to the Inter-State Commission to recommend charges for interstate vehicles taking into account levels of cost recovery on competitive intersystem rail freight operations and equivalent charges levied on intrastate vehicles.

Charges collected by State and Territory registration authorities are to be paid into an Interstate Road Transport Trust Fund.

The Interstate Road Transport Bill provides for the Minister to distribute trust funds to the States and Territories. Allocated funds are to be spent on the maintenance and upkeep of roads used by registered interstate motor vehicles.

Interstate Road Transport Operator Licensing Scheme

The interstate road transport operator licensing scheme provides for operator licences to be issued to businesses engaged in heavy long distance interstate vehicle operations to improve the overall level of road safety.

There are to be no restrictions on granting an operator licence provided an applicant is not disqualified under the legislation or the applicant is not an associate of a disqualified person.

The Interstate Road Transport Bill provides that courts may withdraw operator licences where Licensing Authorities detect persistent breaches of road safety laws or federal road safety standards.

The Interstate Road Transport Bill provides for a monitoring device to be installed on interstate vehicles from a date to be determined to provide a reliable means of monitoring vehicle operating practices. The Bill also prohibits the use of monitoring device records in prosecutions for breaches of individual road safety violations which carry a penalty of less than 3 years imprisonment.

Administration

The Bills make provision for the administration of both the vehicle registration and operator licensing schemes to be undertaken by the States and Territories following agreements between the Governor-General and State Governors. In the event that no such agreement has been concluded the Minister exercises those powers.

Appropriate safeguards are included to allow appeals under the Administrative Appeals Tribunal Act 1975 where administrative decisions are taken which could adversely affect particular vehicle owners or operators.

Financial Impact Statement

There will be no net budgetary impact arising from the Interstate Road Transport Bill or the Interstate Road Transport Charge Bill. All revenue received by the Commonwealth from road user charges is to be paid into the Interstate Road Transport Trust Fund and distributed in full amongst the States and Territories for maintenance and upkeep of roads.

Establishment and ongoing operating costs will be minimised by utilising existing State agencies which already register interstate vehicles. The States and Territories will be able to impose prescribed fees to recover the marginal costs of operating the vehicle registration scheme.

Similarly, the operator licensing scheme is to be administered by State and Territory Governments with provision for appropriate fees to be collected from licensed operators to cover marginal expenses.

Minor administration costs incurred by the Federal Department of Transport have been met within existing arrangements. There has been a net increase of one senior executive in the average operative staffing level of the Department.

INTERSTATE ROAD TRANSPORT BILL 1985

PART I - PRELIMINARY

Clause 1 - Short title

The short title of the Act will be the Interstate Road Transport Act 1985.

Clause 2 - Commencement

Sections 1 and 2 will come into force on the day the Act receives Royal Assent. Other provisions of the Bill will come into force on Proclamation.

Clause 3 - Interpretation

Terms used throughout the Bill are defined in this clause. 'State' includes a reference to the Northern Territory.

Clause 4 - Carriage of passengers or goods between prescribed places

Journeys encompassed by this Bill involve the carriage of passengers or goods in trade and commerce between States, between States and Territories and between Territories.

Clause 5 - Application of Act to the Commonwealth and the States

The provisions of this Bill apply to any Commonwealth or State authority or business undertaking involved in interstate trade and commerce, but does not extend to prosecution for an offence.

Clause 6 - Arrangements with States, &c.

This clause provides for the establishment of formal arrangements between the Commonwealth and the States under which the States may act as agents of the Commonwealth for the purposes of this Bill (Sub-clauses (1) and (2)). Sub-clause (3) allows for the variation or revocation of such an arrangement.

Sub-clause (4) outlines provisions which may be included in an arrangement made under sub-clauses (1) and (2).

Registration charges payable under this Bill and received by an officer or Authority of a State are considered as being collected on behalf of the Commonwealth (Sub-clause (5)).

Clause 7 - Regulatory Authority

This clause provides for the establishment of Registration and Licensing Authorities in each State and the Australian Capital Territory as specified in arrangements made under sub-clauses 6 (1) and 6 (2). Where there is no arrangement in force in respect of a State, the Federal Minister for Transport is empowered to perform the functions of a Registration or Licensing Authority.

PART II - REGISTRATION OF INTERSTATE MOTOR VEHICLES

Clause 8 - Motor vehicles and trailers to be registered

Sub-clause (1) requires a motor vehicle or trailer used for the carriage of passengers or goods between prescribed places or for any incidental purposes to be registered under this Bill, or to be registered under a law of a State or the Australian Capital Territory.

Current State schemes which register vehicles solely engaged in interstate trade and commerce and levy only nominal fees on these vehicles will not remove the requirement to hold Federal interstate registration once the Federal scheme becomes operational (Sub-clauses (2), (3) and (4)).

Vehicle owners will have up to 14 days to re-register a vehicle which has changed hands (Sub-clause (5)).

Clause 9 - Registration of motor vehicles, &c.

Sub-clauses (1) and (2) specify the requirements to be complied with before a Registration Authority registers a motor vehicle or trailer in the name of the owner. These include paying the prescribed fee, presenting the vehicle for inspection and insuring the vehicle.

Sub-clause (3) provides for the vehicle to be registered for either a year or for a shorter period specified in regulations. Sub-clause (4) allows a vehicle registration to be renewed immediately after the expiry of the existing registration.

In refusing registration, a Registration Authority may only take account of the safety of the public and the need to ensure compliance with the Bill and its regulations (Sub-clause (5)).

Where a vehicle is jointly owned, one of the owners may be nominated as the representative owner for the purposes of the Bill (Sub-clauses (6) and (7)). A Registration Authority may then serve notices on this person or request them to produce documents (Sub-clause (8)).

A nomination ceases to be in force where it is revoked, where the nominated person is no longer an owner of the registered vehicle, or where a new person becomes a part owner (Sub-clauses (9) and (10)).

Sub-clause (11) provides that a Registration Authority may refuse to register a vehicle which has more than one owner if the application is not accompanied by the nomination described in sub-clause (6).

Clause 10 - Sub-standard motor vehicles and trailers not to be driven, &c.

It will be an offence for a person without reasonable excuse to drive or cause or permit to be driven or left standing on a road a motor vehicle or trailer if it is in an unsafe or dangerous condition or does not possess appropriate insurance (Sub-clauses (1) and (3)).

Sub-clauses (2) and (4) define what constitutes a reasonable excuse for the purposes of sub-clauses (1) and (3) respectively.

Clause 11 - Cancellation or suspension of registration

Sub-clause (1) empowers the Registration Authority to cancel the registration of a motor vehicle or trailer where it does not satisfy registration requirements or does not meet safety standards. Notice of such cancellation is to be in writing and served on the owner of the motor vehicle or trailer.

Sub-clause (2) empowers the Registration Authority to suspend registration of a motor vehicle or trailer where the vehicle fails to satisfy registration requirements or meet safety standards and to direct the owner to carry out work on the motor vehicle or trailer. Notice of such suspension is to be in writing and served on the owner of the motor vehicle or trailer.

Sub-clause (3) enables the Registration Authority to terminate a suspension of registration where the owner has complied with the directions of the Authority.

Sub-clause (4) provides that a motor vehicle or trailer which has had its registration suspended will not be deemed to be registered for the purposes of Clause 8.

In exercising the powers conferred on it by sub-clauses (1) and (2), a Registration Authority shall have regard to the safety of the public and the need to ensure compliance with this Bill and the Regulations (Sub-clause (5)).

Clause 12 - Surrender of registration

Sub-clause (1) allows the surrender of registration by the owner of the registered motor vehicle or trailer.

A notice surrendering registration is to be accompanied by the prescribed fee (Sub-clause (2)) and the registration plates (Sub-clause (3)).

Clause 13 - Regulations may make further provision with respect to registered motor vehicles, &c.

This clause makes provision for regulations to be made specifying requirements to be met by registered motor vehicles and requiring appropriate registration documents or number plates to be displayed. The regulations may also require the Registration Authority to be notified of prescribed matters.

PART III - COLLECTION OF INTERSTATE ROAD TRANSPORT CHARGE

Clause 14 - By whom charge payable

This clause provides that a charge in respect of the registration of a vehicle is to be paid by the current owner of the motor vehicle.

Clause 15 - Owner may nominate actual distance amount

Sub-clause (1) enables the owner of the motor vehicle to nominate to pay a registration fee based on the actual distance travelled by that vehicle. This arrangement is subject to the requirement that the vehicle is fitted with an approved charge monitoring device (Sub-clause (2)).

A Registration Authority shall accept a nomination where payment of a charge is due, provided the monitoring device was operated correctly and the owner provides appropriate records (Sub-clause (3)).

Clause 16 - When charge due and payable

This clause provides that the registration charge is due and payable on the cancellation, expiry or surrender of registration in the case where a nomination by a vehicle owner to pay an actual distance amount under sub-clause 15 (1) is made; or on the day on which the registration comes into force in any other case.

Clause 17 - Advance on account of charge

Sub-clause (1) provides that where a nomination has been made under sub-clause 15 (1) the registration charge is to be paid by way of an advance and the amount of that charge is to equal the imputed distance amount. Provision is made to adjust this advance where a shorter period of registration is available.

Sub-clause (2) provides that where, upon cancellation, expiry or surrender of registration, the advanced amount described in sub-clause (1) is found to be in excess of the actual amount payable, the amount of the excess will be credited to a charge or advance on account of charge in the case of re-registration or refunded to the owner in any other case.

Clause 18 - Refund of charge on cancellation or surrender

This clause provides that upon cancellation or surrender of registration, the Commonwealth may refund to the owner an amount corresponding to the unused portion of the registration period. In cases of surrender this amount may be credited to another registration application.

Clause 19 - Refund of charge in relation to intrastate operations

Sub-clause (1) provides for refunds of charge where a vehicle registered under this Bill engages in intrastate operations which are not in contravention of a law of a State or the Australian Capital Territory. The refund is to be determined on the basis of the distance travelled on intrastate operations relative to total distance travelled.

Entitlement to a refund under sub-clause (1) depends on the owner making a claim on the approved form and accompanying it with a written record of each intrastate journey undertaken (Sub-clause (2)).

Sub-clause (3) deals with fraudulent claims for refunds under this clause.

Clause 20 - Recovery of charge, &c.

This clause allows the Commonwealth to recover a charge or advance on account of charge by way of court action.

PART IV - INTERSTATE ROAD TRANSPORT TRUST FUND

Clause 21 - Interstate Road Transport Trust Fund

This clause provides for the establishment of a trust fund to be the Interstate Road Transport Trust Fund and to be treated as a Trust Account for the purposes of section 62A of the Audit Act 1901. Any income derived from the investment of trust funds is to be considered as part of the Fund.

Clause 22 - Money to be paid into Fund

Sub-clause (1) provides that an amount equivalent to all moneys received by the Commonwealth from registration charges is to be appropriated from Consolidated Revenue and paid into the Fund.

Sub-clause (2) provides that certain moneys received by way of repayment of a grant to the States, as described in sub-clause 23 (1), are to be paid into the Fund.

Clause 23 - Money to be paid out of Fund

Sub-clauses (1) and (2) provide that Trust Fund monies are to be distributed to the States and the Australian Capital Territory for the maintenance and upkeep of roads used by registered motor vehicles or trailers in accordance with a determination made by the Federal Minister for Transport.

In making a determination to distribute funds among the States and Territories, the Minister is required to have regard to the distribution of road damage caused by registered motor vehicles (Sub-clause (3)).

Sub-clauses (5) and (6) enable the Minister to attach conditions to the payment of financial grants to the States. In particular it should be noted that the States are prevented from levying any fee, charge or tax on interstate vehicles which do not equally apply to State registered vehicles.

Sub-clause (7) requires the Minister to provide the appropriate Minister of each State with a copy of a determination made under sub-clause (1).

Sub-clauses (8), (9), (10), (11) and (12) clarify administrative aspects of payments made under this clause.

PART V - LICENSING OF INTERSTATE ROAD TRANSPORT OPERATORS

Clause 24 - Interpretation

Terms used in this part are defined in this clause.

Clause 25 - Operators not to carry on long distance interstate road transport business unless licensed

It will be an offence for a person to carry on a long distance interstate road transport business without either a Federal or State operator's licence.

Clause 26 - Grant of federal operator's licence

There will be no restrictions on the granting of federal operator licences provided an applicant is not a disqualified person or an associate of a disqualified person (Sub-clauses (1) and (2)).

Sub-clause (3) requires an application for a federal operator's licence to include the name of the person or principal person responsible for the day-to-day management of that business.

Sub-clause (4) provides for a 7 day cooling-off period between the time an application is made and the time the licence is granted.

An application for a licence can be withdrawn before the licence is granted (Sub-clause (5)).

Sub-clause (6) specifies when the licence comes into force and the duration of the licence.

Clause 27 - Disqualified persons

Sub-clause (1) empowers a court, upon application by a Licensing Authority, to make an order disqualifying a person either permanently or for a specified period from participating in a long distance interstate road transport business where persistent violations of safety standards have been detected and it is in the public interest to do so.

Where a person is convicted of a specified offence and it is established that the purpose of the offence was to prevent or frustrate the collection of evidence for disqualification proceedings, the court is empowered to make an order to disqualify that person from participating in a long distance road transport business for a period not exceeding three years in addition to imposing a penalty for the offence (Sub-clause (2)).

Sub-clauses (3) and (4) specify when an initial or subsequent disqualification comes into force.

A disqualification will invalidate the operation of a Federal operator's licence and prevent the use of a State operator's licence in respect to interstate trade and commerce (Sub-clauses (5) and (6)).

An order of disqualification may include notice of a date after which the disqualified person can apply for revocation of disqualification (Sub-clause (7)). A Licensing Authority may approve such application provided the person has not been further disqualified and the Licensing Authority is satisfied that special circumstances prevail (Sub-clause (8)).

A disqualification ordered by a court of summary jurisdiction under sub-clause (1) will not be for a period of more than 6 months (Sub-clause (9)).

Sub-clause (10) defines the term 'court' for the purposes of sub-clause (1).

Clause 28 - Monitoring device records, &c.

Sub-clause (1) provides for regulations which deal with the admissibility of monitoring device records in disqualification proceedings arising out of sub-clause 27 (1).

Sub-clause (2) ensures the integrity of any criminal proceedings which might apply under a law of a State or the Australian Capital Territory from being affected by simultaneous administrative procedures to disqualify an operator. The Licensing Authority before taking civil action against an operator shall advise the court that either criminal proceedings will not be instituted or that criminal proceedings on a related matter have been finally dealt with according to law.

If in the course of disqualification proceedings against a body corporate it is necessary to establish intention, it is sufficient to prove intention on the part of a servant or agent of that body corporate (Sub-clause (3)).

Sub-clause (4) provides that in disqualification proceedings a body corporate can be held liable in conjunction with natural persons performing acts or omissions on behalf of the body corporate.

Clause 29 - Matters to be taken into account by court

In determining whether the necessary conditions for disqualification are satisfied, the court will take into account the conduct of the person before, during and after any attempt, involvement or contravention of relevant safety provisions and any other conduct that is relevant to road safety.

Clause 30 - Associates of disqualified persons

Sub-clause (1) empowers the Licensing Authority to declare a person an associate of a disqualified person where they are a partner of a disqualified person or where a disqualified person has gained significant control over the road transport business of the other person.

Sub-clause (2) specifies when the declaration made under sub-clause (1) comes into force.

A declaration made under sub-clause (1) invalidates the Federal operator's licence and prevents the use of a State operator's licence for interstate trade and commerce (Sub-clauses (3) and (4)).

A disqualified person under sub-clause (1) may apply for the declaration of disqualification to be revoked. A Licensing Authority may approve such application provided specified conditions relating to the termination of the association with a disqualified person are satisfied (Sub-clause (5)).

Clause 31 - Publication of particulars of disqualification, &c.

Sub-clauses (1) and (2) require the Minister to prepare statements relating to any disqualification or revocation of disqualification, so as to publicly advise industry participants of the status of a particular interstate operator.

Sub-clause (3) provides for the publication of statements prepared under sub-clauses (1) and (2).

The Minister is required to keep registers of persons holding federal operator licences, disqualified persons and declared associates of disqualified persons (Sub-clause (4)).

Sub-clause (5) allows members of the public to inspect the three registers established by this clause.

Clause 32 - Annual notice by holder of federal operator's licence

Sub-clause (1) requires current holders of federal operator licences to give annual notice in a manner specified if they wish to continue holding the licence. Failure to give such notice enables a Licensing Authority to

cancel the licence (Sub-clause (2)). The purpose of this sub-clause is to enable the Licensing Authority to keep the Registers as current as possible by removing those operators who may have left the industry without advising the Authority.

Clause 33 - Court may inform Licensing Authority of conviction, &c.

Sub-clause (1) provides for a court giving notice to a Licensing Authority where a person has been convicted of an offence relating to a relevant safety provision.

Sub-clause (2) provides that a notifiable conviction under sub-clause (1) may include cases where a court, upon being satisfied that a charge is proven, chooses in the particular circumstances of the case to conditionally release the offender without proceeding to conviction.

Clause 34 - Federal road safety standards

This clause provides for the declaration by the Federal Minister for Transport of federal road safety standards which, in conjunction with existing laws and regulations, will establish the foundation of appropriate operator safety practice and performance standards.

Clause 35 - Disallowance, &c., of federal road safety standards

Federal road safety standards are to be treated as statutory rules and are subject to disallowance by the Parliament.

PART VI - MONITORING DEVICES

Clause 36 - Regulations may specify requirements for monitoring devices

Regulations may specify requirements in relation to the installation, operation and maintenance of both standard and charge monitoring devices. The charge monitoring device is to be fitted to interstate vehicles where the operator chooses to use the actual vehicle distance method of charge for registration. A standard device is one which will be required by licensed operators to monitor vehicle safety performance.

Clause 37 - Regulations may require standard monitoring device to be fitted to registered motor vehicles

Self-explanatory

Clause 38 - Regulations may specify manner of fitting monitoring devices

Self-explanatory

Clause 39 - Owner of motor vehicle to maintain monitoring device

This clause specifies that regulations may require an owner of a registered motor vehicle fitted with a monitoring device to maintain that device and any monitoring device record.

Clause 40 - Offences relating to monitoring devices

This clause specifies offences in relation to monitoring devices.

Clause 41 - Falsification, concealment, &c. of monitoring device record

This clause specifies offences in relation to monitoring device records.

Clause 42 - Court may order payment of amount in addition to penalty

Where a person is convicted of an offence in relation to monitoring devices or monitoring device records (Clauses 40 or 41) and it is established that the purpose of the offence was to avoid payment of an amount of registration charge, the court, in addition to imposing a penalty for the offence, is empowered to order the convicted person to pay up to double the amount of registration charge which would otherwise have been payable.

Clause 43 - Evidence of monitoring device record

Sub-clause (1) limits the use of monitoring device records as evidence in criminal proceedings. These restrictions do not apply in the case of civil proceedings (Sub-clause (2)). The purpose here is to protect drivers from retrospective prosecution for minor criminal offences, such as speeding, shown by the monitoring device record. However, it does not preclude drivers from using monitoring device records in their defence.

PART VII - MISCELLANEOUS

Clause 44 - Power to stop and search motor vehicles, &c.

The basis for enforcing the safety practices in the industry is provided for in sub-clause (1) which specifies the powers of a police officer or inspector in relation to contraventions of this Bill and its regulations or of federal road safety standards.

Sub-clause (2) makes it an offence for a person to refuse or fail to comply with a direction of a police officer or inspector issued in accordance with sub-clause (1).

Sub-clauses (3), (4), (5) and (6) relate to the verification of identity of police officers and inspectors.

Sub-clause (7) defines terms contained in this clause.

Clause 45 - Power to require persons to give information or produce documents

Sub-clause (1) empowers a Regulatory Authority to require a person to furnish information or produce documents relating to the performance of the Authority's functions or to contraventions of this Bill and its regulations or relevant safety provisions. Failure to comply with such a request without reasonable excuse is an offence under the Bill.

Sub-clause (3) provides that self-incrimination does not constitute an excuse for refusing to furnish information or produce documents. However self-incriminating information or documents are not admissible as evidence except in specified types of prosecutions such as those involving criminal conspiracy.

Sub-clause (4) defines terms contained in this clause.

Clause 46 - Inspection of documents

This clause relates to inspecting, making copies of and taking extracts from documents produced under clause 45.

Clause 47 - False or misleading statements

It is an offence for a person to make a false or misleading statement to an interstate motor vehicle officer (Sub-clause (1)).

Sub-clauses (2) and (3) define terms used in this clause.

Clause 48 - Regulatory Authorities to comply with Ministerial directions

This clause empowers the Federal Minister for Transport to issue directions to Regulatory Authorities and requires the Authorities to comply with those directions.

Clause 49 - Freedom of interstate trade, &c.

This clause ensures that provisions of this Bill will not operate in such a way as to prevent trade, commerce and intercourse among the States or between the Northern Territory and the States from being absolutely free.

Clause 50 - Delegation

This clause provides for certain powers to be delegated.

Clause 51 - Reconsideration and review of certain decisions

This clause specifies administrative appeals procedures for review of decisions made under this Bill, such decisions being subject to the Administrative Appeals Tribunal Act 1975.

Clause 52 - Effect of this Act and regulations on State and Territory laws

This Bill does not operate to the exclusion of laws of a State or the Australian Capital Territory except where those laws are inconsistent with specified provisions of this Bill. The objective here is to ensure the Federal legislation is complementary to that of relevant State and Territory laws.

Clause 53 - Enforcement of orders for payment

This clause deals with the manner in which orders for payment relating to offences under certain regulations are to be enforced.

Clause 54 - Penalties for corporations

This clause empowers a court to impose fines up to 5 times the prescribed amount where a corporation is convicted of offences under this Bill or its regulations.

Clause 55 - Recovery of fees

This clause empowers the Commonwealth to take court action to recover unpaid fees.

Clause 56 - Regulations

Sub-clause (1) provides for the Governor-General to make regulations, not inconsistent with the Bill.

Sub-clause (2) defines the limits of penalties that these regulations can impose.

INTERSTATE ROAD TRANSPORT CHARGE BILL 1985

Clause 1 - Short title

The short title of the Act will be the Interstate Road Transport Charge Act 1985.

Clause 2 - Commencement

Sections 1 and 2 will come into force on the day the Act receives Royal Assent. Sub-section 3(2) comes into operation at the same time as Section 5 of the Interstate Road Transport Act 1985. All other provisions come into force at the same time as Part III of the principal Act.

Clause 3 - Interstate Road Transport Act

This clause requires that the Act be read in conjunction with the Interstate Road Transport Act 1985.

Clause 4 - Imposition of charge

This clause allows for the levying of a charge in relation to the registration of motor vehicles except where a motor vehicle is exempt as determined by the regulations.

Clause 5 - Amount of charge

Sub-clause (1) provides for two types of amount relating to registration charges:

- an actual distance amount in cases where a nomination has been accepted under sub-clause 15 (3) of the Interstate Road Transport Act 1985, or
- an imputed distance amount or proportion thereof in any other case.

An actual distance amount is a variable amount determined on the basis of the recorded distance travelled by a motor vehicle fitted with a charge monitoring device as well as any other matters relating to road damage (Sub-clause 2 (a)).

An imputed distance amount is an amount determined on the basis of the distance travelled by a particular class of motor vehicle as well as any other matters relating to road damage (Sub-clause 2 (b)).

Sub-clause (3) requires that in determining amounts of charge under sub-clause (2) only road maintenance and upkeep costs relating to damage caused by federally registered motor vehicles and trailers be taken into account.

Sub-clause (4) defines terms used in this clause.

Clause 6 - Regulations

This clause provides for the making of regulations under this Bill.









