



Interstate Road Transport Charge Amendment Bill (No.2) 2008

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Law and Bills Digest Section

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Interstate Road Transport Charge Amendment Bill (No.2) 2008

Date introduced: 25 September 2008

House: Representatives

Portfolio: Infrastructure, Transport, Regional Development and Local Government

Commencement: Sections 1 to 3 on Royal Assent, Schedule 1 on a date fixed by Proclamation or the day after a six month period after Royal Assent.

Links: The [relevant links](#) to the Bill, Explanatory Memorandum and second reading speech can be accessed via BillsNet, which is at <http://www.aph.gov.au/bills/>. When Bills have been passed they can be found at ComLaw, which is at <http://www.comlaw.gov.au/>.

Purpose

To amend the *Interstate Road Transport Charge Act 1985* to increase the registration charges for heavy vehicles registered under the Federal Interstate Registration Scheme (FIRS) and to take account of concerns expressed during the debate of the Interstate Road Transport Charge Amendment Bill 2008 through the Senate in March 2008.

Background

The current Bill takes account of concerns expressed during the debate of the Interstate Road Transport Charge Amendment Bill 2008 in the Senate. That Bill was *defeated* in the Senate on 19 March 2008. This Bills Digest will discuss the new provisions contained in the current Bill that take account of those concerns. See the bills digest on the [Interstate Road Transport Charge Amendment Bill 2008](#) for the full discussion on the provisions of the Bill generally.

The second reading speech of the Minister for Infrastructure, Transport, Regional Development and Local Government, Hon Mr Anthony Albanese stated that the Bill ‘addresses key concerns raised in March 2008, namely that the Australian government should not be required to implement registration charges only agreed by the Australian Transport Council.’¹ Concerns were raised during the debate in the Senate that the way in

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1. Hon. Anthony Albanese, Minister for Infrastructure, Transport, Regional Development and Local Government, ‘Second reading speech: Interstate Road Transport Charge Amendment Bill (No.2) 2008, House of Representatives, *Debates*, 25 September, 2008, p. 4.

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which the provision was phrased in the first Bill would in effect restrict the Commonwealth from dissenting from decisions of the Ministerial Council and 'would be unable to determine in its own right the charges that should apply to Commonwealth registered vehicles.'² In the current Bill this provision has been amended to make it much less restrictive. 'This new Bill provides the Australian Government the flexibility to implement heavy vehicle charges for FIRS registered vehicles that are consistent with the Government's road transport reform agenda.'³

Financial implications

The Explanatory Memorandum states that there is no net impact on the Australian Government budget flowing from this amendment. All revenue from FIRS charges is returned to the state or territory governments under an agreed distribution formula that accounts for road usage by FIRS heavy vehicles.

Main provisions

The provisions dealt with here are the major provisions which differ from the previous Bill. See the [Interstate Road Transport Charge Amendment Bill 2008](#) for discussion of the remaining provisions of the current Bill which have not changed.

Item 6, proposed subsection 5(6) provides that regulations made under section 5 must not take effect until after the disallowance period under Part 5 of the *Legislative Instruments Act 2003*.⁴ This provision removes the restrictive words that regulations **must** implement the national charge agreed by the Australian Transport Council that appeared in the first Interstate Road Transport Charge Amendment Bill 2008. The provision in the first Bill read as follows:

Section 5(4) Regulations made for the purposes of this section must implement the national charge imposed on the registration of heavy vehicles, and any adjustment process of that charge, that is agreed by the Australian Transport Council.

Item 7 repeals both existing **section 5A - Automatic increase of amounts of charge** and existing **section 6 - Regulations may decrease amounts of charge**. Section 5A dealt with changes determined in accordance with the schedule of the *Interstate Road Transport*

2. Senator Nigel Scullion, 'Second reading speech: Interstate Transport Charge Amendment Bill (No.2) 2008, Senate, *Debates*, 19 March, 2008, p. 1324.

3. Hon. Anthony Albanese, Minister for Infrastructure, Transport, Regional Development and Local Government, 'Second reading speech: Interstate Road Transport Charge Amendment Bill (No.2) 2008, House of Representatives, *Debates*, 25 September, 2008, p. 4.

4. After regulations are tabled, there is a 15 sitting day period in which there is an opportunity to put forward a notice of motion to disallow the instruments.

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Charge Act 1985, including changes made by the application of section 5A or regulations made for the purposes of section 6 which could decrease the amount of the charge.

Item 10(1) is an applications provision. It provides that charges calculated under the old section 5 will continue to apply after the commencement of the current provisions until regulations made under the new section 5 come into force.

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