Transport and Communications Legislation Amendment Bill 1989

DateIntroduced: 8 March 1989
House: House of Representatives

Digest of Bill

Purpose
To provide that changes to the Australian Centennial Roads Development charge rate be subject to disallowance by Parliament; to establish a scheme for payment of interstate road transport registration charges by instalments; and to provide a review mechanism where a request for a refund of landing charges or penalties is refused.

Background
The Australian Centennial Roads Development Act 1988 established the Australian Centennial Roads Development Trust Fund (the Fund) to finance a program of financial assistance for land transport over the period 1 January 1989 to 31 December 1993. The program is funded through an indexed 'charge rate' based on diesel and petrol excise, and customs duty. For the purposes of implementing the program from January 1989, the charge was set arbitrarily at 4.95 cents per litre, and at the end of 1988–89 an adjustment will be made to ensure that the total level of funding available for the year will be $1221.5 million. The Act is not specific as to the level of funding that will be provided in the period from 1991–92 until the end of 1993–94. The Minister has the power to determine a new charge rate, through notification in the Gazette, after consultation with the Treasurer. On the 21 December 1988, Senator Evans gave an undertaking in Parliament that the Government would amend the Act to provide that Parliament may disallow changes to the charge rate.

The Interstate Road Transport Act 1985 requires that all vehicles carrying goods or passengers between States or Territories for trade be registered under either that Act or an appropriate State law and pay a federal registration charge. The charge is based on a 'distance amount' which is calculated by reference to the distance travelled and other aspects of the vehicle (e.g. its weight) that relate to the damage the vehicle will cause to the roads. The Act provides two methods for calculation of the charge. If an approved monitoring device is fitted, the charge is payable at the end of the registration year on the actual distance covered.
If such a device is not fitted the charge is calculated by reference to the 'imputed distance amount' (i.e. the distance amount set by regulation). The latter amount is payable in advance. An amount equivalent to the charge is appropriated from the Consolidated Revenue Fund and paid into the Interstate Road Transport Fund. Monies from the fund are payable to the States and the Territories for the maintenance of roads used by such vehicles. In July 1988, interstate truck drivers blockaded the Hume Highway in protest at federal road charges and other costs. The dispute centred on new registration charges which were to come into force on 1 July 1988. The Government and representatives of the truck drivers agreed, on 13 July 1988, to a plan based on no increase in the federal registration charge before January 1990, consultation with the industry before any increase and the charge being payable by instalment.\(^2\)

**Main Provisions**

Amendments to the *Air Navigation (Charges) Act 1952*

Clause 6 will provide for review of a decision not to refund a landing charge or penalty. Initially the review will be by the Secretary and this decision will be reviewable by the Administrative Appeals Tribunal.

Amendments to the *Australian Centennial Roads Development Act 1988*

Clause 10 will provide that Parliament may disallow changes to the Australian Centennial Roads Development charge rate.

Amendments to the *Interstate Road Transport Act 1985*

Clause 20 will provide that the interstate road registration charge may be paid by instalments.

Clause 14 will allow registration of a vehicle or a trailer where an application is accompanied by either the full registration charge, or the first instalment of the charge, and any administrative fee.

Clause 15 will allow a Registration Authority to cancel or suspend the registration of a vehicle or trailer where instalments of registration charges are not paid before the due date for payment, or where a cheque for payment is dishonoured.

**References**


For further information, if required, contact the Law and Government Group.
This Digest does not have any official legal status. Other sources should be consulted to determine the subsequent official status of the Bill.

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