INTERSTATE ROAD TRANSPORT CHARGE BILL 1985

Date introduced: 11 September 1985
House: House of Representatives
Presented by: Hon. Peter Morris, MHR, Minister for Transport

DIGEST OF BILL

Purpose

To impose a charge on the registration of vehicles used in interstate trade in order to compensate for the damage caused to the roads by such vehicles.

Background

The High Court decision in Armstrong v Victoria (No. 2) (1957) 99 CLR 28 stands for the proposition that a charge based on a tonnage rate per mile to compensate for damage to the highways will not be in breach of section 92 of the Constitution which requires that trade between the States be absolutely free. It is likely that any other form of charge will be unconstitutional.

The method of collection of the charge is contained in Part III of the Interstate Road Transport Bill 1985. For further information, refer to the digest of that Bill (No. 85/167).

Main Provisions

A charge is imposed on the registration of a motor vehicle or trailer used in interstate trade by clause 4. The clause also allows vehicles to be exempted by regulation.

The method of calculating the charge is contained in clause 5. The charge will be based on the actual distance amount if the vehicle is fitted with an approved monitoring device (which will record the distance travelled) or on an imputed distance amount. In both cases the distance amount will be determined by regulation having
regard to the damage caused to the roads as well as the distance travelled so that a higher rate of charge will apply to heavier vehicles.

In the case of charges based on imputed distance, the charge will be payable in advance. For both methods of charging there will be refunds of charge for the distance covered in intrastate trade in relation to total distance travelled where the owner has a written record of each trip (see clauses 16-19 of the Interstate Road Transport Bill 1985).

The rate of charge will be fixed by regulation. In making such regulations the Governor-General may only have regard to the actual or imputed distance travelled and the cost of maintenance and upkeep of roads that results from the damage caused by such vehicles (clauses 5 and 6). A Schedule of proposed Federal Interstate Vehicle and Trailer Charges was tabled with the Minister's Second Reading Speech.

For further information, if required, contact the Economics and Commerce Group.

25 September 1985