



Interstate Road Transport Charge Act 1985

No. 131 of 1985

An Act to impose a charge by way of or in the nature of a tax in respect of the registration of a motor vehicle or trailer under the *Interstate Road Transport Act 1985*

[Assented to 22 November 1985]

BE IT ENACTED by the Queen, and the Senate and the House of Representatives of the Commonwealth of Australia, as follows:

Short title

1. This Act may be cited as the *Interstate Road Transport Charge Act 1985*.

Commencement

2. (1) Sections 1 and 2 shall come into operation on the day on which this Act receives the Royal Assent.

(2) Sub-section 3 (2) shall come into operation on the day on which section 5 of the *Interstate Road Transport Act 1985* comes into operation.

(3) The remaining provisions of this Act shall come into operation on the day on which Part III of the *Interstate Road Transport Act 1985* comes into operation.

Interstate Road Transport Act

3. (1) The *Interstate Road Transport Act 1985* is incorporated and shall be read as one with this Act.

(2) Section 5 of the *Interstate Road Transport Act 1985* applies in relation to this Act in like manner as it applies in relation to Parts II and III of that Act.

Imposition of charge

4. (1) Subject to sub-section (2), a charge is imposed on the registration of a motor vehicle or trailer.

(2) Sub-section (1) does not apply to motor vehicles or trailers, or motor vehicles or trailers included in a class of motor vehicles or trailers, that are exempt from charge under the regulations.

Amount of charge

5. (1) The amount of charge in respect of the registration of a motor vehicle or trailer is—

(a) in the case of a motor vehicle or trailer in relation to which a nomination has been accepted under sub-section 15 (4) of the *Interstate Road Transport Act 1985*—the actual distance amount in relation to the motor vehicle or trailer; or

(b) in any other case, an amount equal to—

(i) if the registration is for a period of one year—the imputed distance amount in relation to the motor vehicle or trailer; or

(ii) if the registration is for a period of less than one year—an amount calculated in accordance with the formula $\frac{A B}{C}$, where—

A is the imputed distance amount in relation to the motor vehicle or trailer;

B is the number of whole days in the period that is applicable to the registration under sub-section 9 (3) of the *Interstate Road Transport Act 1985*; and

C is 365.

(2) For the purposes of this Act and the *Interstate Road Transport Act 1985*—

(a) the actual distance amount in relation to a registered motor vehicle or trailer is such amount as is ascertained in accordance with the regulations under this Act by reference to—

(i) the distance travelled by the motor vehicle or trailer during the period the registration was in force as measured by an appropriate charge monitoring device fitted to the motor vehicle or trailer; and

(ii) any other matter or thing relating to the design or use of a class of motor vehicles or trailers in which the motor vehicle or trailer is included that is capable of affecting damage done to roads; and

Interstate Road Transport Charge No. 131, 1985

- (b) the imputed distance amount in relation to a registered motor vehicle or trailer is such amount as is ascertained in accordance with the regulations under this Act by reference to—
- (i) the distance that, under the regulations under this Act, is fixed as the imputed distance in relation to a class of motor vehicles or trailers in which the motor vehicle or trailer is included; and
 - (ii) any other matter or thing relating to the design or use of a class of motor vehicles or trailers in which the motor vehicle or trailer is included that is capable of affecting damage done to roads.

(3) The Governor-General, in making regulations for the purposes of sub-section (2), shall have regard only to the cost of maintenance and upkeep of roads that are used by registered motor vehicles and trailers, being maintenance and upkeep that is required as a result of damage done by those motor vehicles and trailers.

(4) The amount of charge in respect of the registration of a motor vehicle shall not exceed \$1,000.

(5) The amount of charge in respect of the registration of a trailer shall not exceed \$400.

Indexation

6. (1) In this section—

“index number”, in relation to a quarter, means the All Groups Consumer Price Index number, being the weighted average of the 8 capital cities, published by the Australian Statistician in respect of that quarter;

“relevant amount” means—

- (a) the amount specified in sub-section 5 (4), being the amount that the amount of charge in respect of the registration of a motor vehicle is not to exceed; or
- (b) the amount specified in sub-section 5 (5), being the amount that the amount of charge in respect of the registration of a trailer is not to exceed;

“relevant year” means the period of 12 months commencing on 1 July 1987 and each subsequent period of 12 months.

(2) Subject to sub-section (3), if at any time, whether before or after the commencement of this section, the Australian Statistician has published or publishes an index number in respect of a quarter in substitution for an index number previously published by the Australian Statistician in respect of that quarter, the publication of the later index number shall be disregarded for the purposes of this section.

(3) If at any time, whether before or after the commencement of this section, the Australian Statistician has changed or changes the reference base for the Consumer Price Index, then, for the purposes of the application of this section after the change took place or takes place, regard shall be had only to the index numbers published in terms of the new reference base.

Interstate Road Transport Charge No. 131, 1985

(4) Where the factor ascertained under sub-section (5) in relation to a relevant year is greater than one, this Act has effect as if for each relevant amount there were substituted, on the first day of that relevant year, an amount calculated by multiplying by that factor—

- (a) in a case to which paragraph (b) does not apply—the relevant amount; or
- (b) if, by virtue of another application or other applications of this section, this Act has effect as if another amount or amounts were substituted for that relevant amount—the substituted amount or the last substituted amount.

(5) The factor to be ascertained for the purposes of sub-section (4) in relation to a relevant year is the number (calculated to 3 decimal places) ascertained by dividing the index number for the March quarter immediately preceding that relevant year by the index number for the March quarter immediately preceding that first-mentioned March quarter.

(6) Where the factor ascertained in accordance with sub-section (5) in relation to a relevant year would, if it were calculated to 4 decimal places, end with a number greater than 4, the factor ascertained in accordance with that sub-section in relation to that relevant year shall be taken to be the factor calculated to 3 decimal places in accordance with that sub-section and increased by 0.001.

Regulations

7. The Governor-General may make regulations for the purposes of sub-sections 4 (2) and 5 (2).

[*Minister's second reading speech made in—
House of Representatives on 11 September 1985
Senate on 5 November 1985*]