



# **Interstate Road Transport Charge Amendment Act (No. 2) 2008**

**No. 147, 2008**

***An Act to amend the *Interstate Road Transport  
Charge Act 1985*, and for related purposes***

Note: An electronic version of this Act is available in ComLaw (<http://www.comlaw.gov.au/>)



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## **An Act to amend the *Interstate Road Transport Charge Act 1985*, and for related purposes**

[Assented to 11 December 2008]

The Parliament of Australia enacts:

### **1 Short title**

This Act may be cited as the *Interstate Road Transport Charge  
Amendment Act (No. 2) 2008*.

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## 2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

| <b>Commencement information</b>   |  |                                       |
|---|--|---------------------------------------|
| <b>Column 1</b>   | <b>Column 2</b>  | <b>Column 3</b>                       |
| <b>Provision(s)</b>   | <b>Commencement</b>  | <b>Date/Details</b>                   |
| 1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table | The day on which this Act receives the Royal Assent.   | 11 December 2008                      |
| 2. Schedule 1   | A single day to be fixed by Proclamation. However, if any of the provision(s) do not commence within the period of 6 months beginning on the day on which this Act receives the Royal Assent, they commence on the first day after the end of that period. | 12 February 2009<br>(see F2009L00278) |

Note: This table relates only to the provisions of this Act as originally passed by both Houses of the Parliament and assented to. It will not be expanded to deal with provisions inserted in this Act after assent.

- (2) Column 3 of the table contains additional information that is not part of this Act. Information in this column may be added to or edited in any published version of this Act.

## 3 Schedule(s)

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

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## Schedule 1—Amendments

### *Interstate Road Transport Charge Act 1985*

#### 1 Title

Omit “**motor vehicle or trailer**”, substitute “**vehicle**”.

#### 2 After section 3

Insert:

#### 3A Definitions

In this Act:

**articulated bus** means a bus consisting of more than one rigid section with passenger access between the sections and the sections connected to one another so as to allow rotary movement between the sections.

**Australian Transport Council** has the meaning given by section 4 of the *National Transport Commission Act 2003*.

**axle** means one or more shafts positioned in a line across a vehicle, on which one or more wheels intended to support the vehicle turn.

**axle group** means a single axle group, tandem axle group, twinsteer axle group, tri-axle group or quad-axle group.

**B-double combination** means a combination consisting of a prime mover towing 2 semi trailers.

**B-double lead trailer** means a semi trailer that is nominated for use as the lead trailer in a B-double combination.

**B-triple combination** means a combination consisting of a prime mover towing 3 semi trailers.

**B-triple lead trailer** means a semi trailer that is nominated for use as the lead trailer in a B-triple combination.

**B-triple middle trailer** means a semi trailer that is nominated for use as the second trailer in a B-triple combination.

**bus** means a motor vehicle, built mainly to carry people, that seats more than 9 adults (including the driver).

**bus (type 1)** means a rigid bus that has 2 axles and an MRC not exceeding 12 tonnes.

**bus (type 2)** means:

- (a) a rigid bus that has 2 axles and an MRC exceeding 12 tonnes;  
or
- (b) a rigid bus that has 3 or 4 axles.

**compliance plate** means a plate authorised to be placed on a vehicle, or taken to have been placed on a vehicle, under the *Motor Vehicle Standards Act 1989*.

**converter dolly** means a trailer with a fifth wheel coupling designed to support a semi trailer for hauling purposes.

**dog trailer** means a trailer with:

- (a) a single axle group or single axle at the front that is steered by connection to the towing vehicle by a drawbar; and
- (b) a single axle group or single axle at the rear.

**drawbar** means a part of a trailer (other than a semi trailer) that connects the trailer body to a coupling for towing purposes.

**driver** means the person driving or in control of a motor vehicle.

**fifth wheel coupling** means a device, other than the upper rotating element and the kingpin (which are parts of a semi trailer), used with a prime mover, semi trailer or a converter dolly to permit quick coupling and uncoupling and to provide for articulation.

**lead trailer**, in a combination, means the trailer that is, or that is to be, attached to the prime mover.

**load carrying vehicle** means a vehicle designed and constructed to haul or carry goods and wares in addition to any fuel, water, lubricants, tools and any other equipment or accessories necessary for normal operation of the vehicle.

**loaded mass**, in relation to a vehicle, means the sum of the mass of the vehicle and the mass of the load on the vehicle that is imposed on the surface on which the vehicle is standing or running.



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**long combination truck** means a truck nominated to haul 2 or more trailers.

**low loader** means a gooseneck semi trailer with a loading deck no more than one metre above the ground.

**low loader dolly** means a mass-distributing device that:

- (a) is usually coupled between a prime mover and low loader; and
- (b) consists of a gooseneck rigid frame; and
- (c) does not directly carry any load on itself; and
- (d) is equipped with one or more axles, a kingpin and a fifth wheel coupling.

**medium combination truck** means a truck, other than a short combination truck, nominated to haul one trailer.

**MRC** (short for Mass Rating for Charging), in relation to a vehicle, means:

- (a) the maximum mass of the vehicle, including any load, recorded on the compliance plate as the Gross Vehicle Mass, Gross Trailer Mass Rating or Aggregate Trailer Mass of the vehicle; or
- (b) in relation to a vehicle for which there is no compliance plate—its operating mass.

**multi-combination prime mover** means a prime mover nominated to haul 2 or more trailers.

**nominated** means nominated by the person applying for registration.

**operating mass**, in relation to a vehicle, means the maximum mass of the vehicle, including any load, as determined by the Registration Authority having regard to the design and construction of the vehicle or of any of its components.

**pig trailer** means a trailer with a single axle group or single axle near the middle of its load-carrying surface, and connected to the towing vehicle by a drawbar.

**pole type trailer** means a trailer that:

- (a) is attached to a towing vehicle by means of a pole or an attachment fitted to a pole; and
- (b) is ordinarily used for transporting loads, such as logs, pipes, structural members or other long objects, that are generally capable of supporting themselves like beams between supports.

**prime mover** means a motor vehicle designed to haul a semi trailer.

**quad-axle group** means a group of 4 axles, in which the horizontal distance between the centre-lines of the outermost axles is more than 3.2 metres but not more than 4.9 metres.

**Registration Authority** means the authority that is responsible for registering vehicles.

**semi trailer** means a trailer (including a pole type trailer) that has:

- (a) a single axle group or single axle towards the rear; and
- (b) a means of attachment to a prime mover or a converter dolly that results in some of the load being imposed on the prime mover, or the converter dolly, as the case may be.

**short combination prime mover** means a prime mover nominated to haul one semi trailer.

**short combination truck** means a truck nominated to haul one trailer where, according to the nomination:

- (a) the combination has 6 axles or fewer; and
- (b) the maximum total mass that is legally allowable for the combination is 42.5 tonnes or less.

**single axle** means an axle not forming part of an axle group.

**single axle group** means a group of 2 or more axles, in which the horizontal distance between the centre-lines of the outermost axles is less than one metre.

**tandem axle group** means a group of at least 2 axles, in which the horizontal distance between the centre-lines of the outermost axles is at least one metre but not more than 2 metres.

**trailer** means a vehicle that is built to be towed, or is towed, by a motor vehicle, but does not include a motor vehicle that is being towed.

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**tri-axle group** means a group of at least 3 axles, in which the horizontal distance between the centre-lines of the outermost axles is more than 2 metres, but not more than 3.2 metres.

**truck** means a rigid motor vehicle that is principally constructed as a load carrying vehicle.

**truck (type 1)** means a truck that has:

- (a) 2 axles and an MRC not exceeding 12 tonnes; or
- (b) 3 axles and an MRC not exceeding 16.5 tonnes; or
- (c) 4 or more axles and an MRC not exceeding 20 tonnes.

**truck (type 2)** means a truck that has:

- (a) 2 axles and an MRC exceeding 12 tonnes; or
- (b) 3 axles and an MRC exceeding 16.5 tonnes; or
- (c) 4 or more axles and an MRC exceeding 20 tonnes.

**winsteer axle group** means a group of 2 axles:

- (a) with single tyres; and
- (b) fitted to a motor vehicle; and
- (c) connected to the same steering mechanism; and
- (d) the horizontal distance between the centre-lines of which is at least one metre, but not more than 2 metres.

**vehicle** includes a trailer.

### **3B Close-spaced axles**

- (1) For the purposes of this Act (other than the definitions of **single axle group**, **tandem axle group**, **winsteer axle group**, **tri-axle group** and **quad-axle group**):
  - (a) 2 axles less than one metre apart are to be regarded as one axle; and
  - (b) 3 axles not more than 2 metres apart are to be regarded as 2 axles; and
  - (c) 4 axles not more than 3.2 metres apart are to be regarded as 3 axles.
- (2) A reference to a distance in subsection (1) is a reference to the horizontal distance between the centre-lines of:
  - (a) in the case of paragraph (1)(a)—the 2 axles; and

- (b) in any other case—the outermost axles.

### **3C Determination of number of trailers**

- (1) For the purposes of determining the number of trailers that a prime mover or truck is nominated to haul:
  - (a) a converter dolly and a semi trailer when used together are to be regarded as one trailer; and
  - (b) a low loader dolly and a low loader when used together are to be regarded as one trailer.
- (2) To avoid doubt, nothing in this section affects a requirement that a separate annual registration charge be paid for each converter dolly or low loader dolly and for each semi trailer.

### **3 Subsection 4(1)**

Repeal the subsection, substitute:

- (1) Subject to subsections (2) and (3), a charge is imposed on the registration of a vehicle in a category mentioned in subsection (1A).
- (1A) For the purposes of subsection (1), a charge is payable in relation to the registration of the following categories of vehicle:
  - (a) a truck (type 1);
  - (b) a truck (type 2);
  - (c) a short combination truck;
  - (d) a medium combination truck;
  - (e) a long combination truck;
  - (f) a short combination prime mover;
  - (g) a multi-combination prime mover;
  - (h) a pig trailer;
  - (i) a dog trailer;
  - (j) a semi trailer;
  - (k) a B-double lead trailer;
  - (l) a B-triple lead trailer;
  - (m) a B-triple middle trailer;
  - (n) a converter dolly;
  - (o) a low loader dolly;
  - (p) a bus (type 1);

- (q) a bus (type 2);
- (r) an articulated bus.

#### **4 Subsection 4(2)**

Omit “motor vehicles or trailers” (wherever occurring), substitute “vehicles”.

#### **5 At the end of section 4**

Add:

- (3) Subsection (1) does not apply to vehicles that have an MRC of less than or equal to 4.5 tonnes.

#### **6 Subsection 5**

Repeal the section, substitute:

#### **5 Amount of charge**

- (1) The amount of charge in respect of the registration of a vehicle in a category referred to in subsection 4(1A) is the amount applicable under subsection (2) or (4), as the case may be.
- (2) If the registration is for a full year, the amount of the charge is the amount for vehicles in that category in relation to the financial year in which the registration comes into force.

Note: For the definition of *financial year*, see paragraph 22(1)(e) of the *Acts Interpretation Act 1901*.

- (3) For the purposes of subsection (2), the amount of the charge is the amount worked out in accordance with regulations made for the purposes of this section.
- (4) If the registration is for less than a full year, the amount of the charge is the amount worked out using the formula:

$$\text{Charge for one year} \times \frac{\text{Period of registration}}{365}$$

where:

***charge for one year*** means the amount that would be the charge in respect of the registration under subsection (2).

*period of registration* means the number of days in the period of the registration.

- (5) If a vehicle falls within 2 or more categories of vehicle under subsection 4(1A), the charge in respect of the registration of the vehicle is the higher or highest of the charges that could apply in respect of that registration of that vehicle.
- (6) Regulations made for the purposes of this section must not take effect earlier than the first day after the end of the period in which the regulations may be disallowed under Part 5 of the *Legislative Instruments Act 2003*.

## 7 Sections 5A and 6

Repeal the sections.

## 8 Section 7

Omit “section 6”, substitute “section 5”.

## 9 Schedule

Repeal the Schedule.

## 10 Application of amendments

- (1) Despite the repeal of section 5 of the *Interstate Road Transport Charge Act 1985* made by item 6 of this Schedule, the amount of the charge under that section, immediately before this Schedule commences, continues to apply in relation to registrations of vehicles that come into force after this Schedule commences until regulations made for the purposes of section 5 of that Act, as in force immediately after this Schedule commences, take effect.
- (2) Once those regulations take effect, the amendments made by this Schedule apply in relation to registrations of vehicles in a category referred to in subsection 4(1A) of the *Interstate Road Transport Charge Act 1985* (as inserted by item 3 of this Schedule) that come into force after this Schedule commences.

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*[Minister's second reading speech made in—  
House of Representatives on 25 September 2008  
Senate on 10 November 2008]*

(183/08)

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