



Road Charges Legislation Repeal and Amendment Act 2008

No. 148, 2008

**An Act to repeal and amend the law relating to
road charges, and for related purposes**

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

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No. 148, 2008

An Act to repeal and amend the law relating to road charges, and for related purposes

[Assented to 11 December 2008]

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Road Charges Legislation Repeal and
Amendment Act 2008*.

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.

Commencement information		
Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
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. Schedules 1 and 2	Immediately before the commencement of Schedule 1 to the <i>Interstate Road Transport Charge Amendment Act (No. 2) 2008</i> .	
3. Schedule 3	1 January 2009.	1 January 2009

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Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

4 Review of Heavy Vehicle Safety and Productivity Program

- (1) The Minister must cause a review of the Heavy Vehicle Safety and Productivity Program to be conducted.
- (2) The review must:

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- (a) start on the third anniversary of the commencement of this section; and
 - (b) be completed within 6 months.
- (3) The Minister must cause a written report about the review to be prepared.
- (4) The Minister must cause a copy of the report to be laid before each House of the Parliament within 15 sitting days after the Minister receives the report.

**Schedule 1—Repeal of the Road Transport
Charges (Australian Capital Territory)
Act 1993**

*Road Transport Charges (Australian Capital Territory) Act
1993*

1 The whole of the Act

Repeal the Act.

Schedule 2—Amendments relating to the repeal of the Road Transport Charges (Australian Capital Territory) Act 1993

Road Transport Reform (Heavy Vehicles Registration) Act 1997

1 Paragraphs 9(c), 10(1)(g) and 17(2)(f)

Repeal the paragraphs.

2 Section 30

Repeal the section.

Schedule 3—Amendment of the Fuel Tax Act 2006

Fuel Tax Act 2006

1 Subsection 43-10(3)

Omit “, determined by the *Transport Minister”, substitute “for the fuel”.

2 Subsection 43-10(5)

Repeal the subsection.

4 At the end of section 43-10

Add:

Determining the rate of road user charge

- (7) The amount of road user charge for taxable fuel is worked out using the following rate:
- (a) if no rate has been determined by the *Transport Minister—21 cents for each litre of the fuel;
 - (b) otherwise—the rate determined by the Transport Minister.
- (8) For the purposes of subsection (7), the *Transport Minister may determine, by legislative instrument, the rate of the road user charge.
- (9) Before the *Transport Minister determines an increased rate of road user charge, the Transport Minister must:
- (a) make the following publicly available for at least 60 days:
 - (i) the proposed increased rate of road user charge;
 - (ii) any information that was relied on in determining the proposed increased rate; and
 - (b) consider any comments received, within the period specified by the Transport Minister, from the public in relation to the proposed increased rate.
- (10) However, the *Transport Minister may, as a result of considering any comments received from the public in accordance with

subsection (9), determine a rate of road user charge that is different from the proposed rate that was made publicly available without making that different rate publicly available in accordance with that subsection.

- (11) In determining the *road user charge, the *Transport Minister must not apply a method for indexing the charge.
- (12) The *Transport Minister must not make more than one determination in a financial year if the effect of the determination would be to increase the *road user charge more than once in that financial year.

9 Application

The amendments made by this Schedule apply to taxable fuel acquired or manufactured in, or imported into, Australia on or after 1 January 2009.

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

(184/08)
