

MODEL AMENDMENTS

Highlighted section to be added with authority of the House of Representatives/Senate

Add number

2008

The Parliament of the
Commonwealth of Australia

HOUSE OF REPRESENTATIVES/THE SENATE

Road Charges Legislation Repeal and Amendment Bill 2008

(Amendments to be moved to the bill by [insert movers' names])

- (1) Schedule 3, page 5 (lines 15 to 25), omit the item, substitute:

4 At the end of section 43-10

Add:

Meaning of road user charge

- (7) The **road user charge** for taxable fuel means:
- (a) if no rate has been determined by the *Transport Minister under section 43-15—21 cents for each litre of the fuel;
 - (b) otherwise—the rate determined by the Transport Minister under section 43-15.

43-15 Determining the road user charge

- (1) The *Transport Minister may determine, by legislative instrument, the *road user charge.
- (2) In determining the *road user charge, the *Transport Minister must not apply a method for indexing the charge.
- (3) The *road user charge must be based on the figure (the **net figure**) that is the difference between:
 - (a) the amount of government expenditure on construction and maintenance of public roads that is allocated to heavy vehicles; and
 - (b) the amount of government revenue raised through registration of heavy vehicles and other charges imposed as a direct result of heavy vehicle use.

Note: 'Government revenue', 'government expenditure' and 'heavy vehicle' are defined in subsection (8).

- (4) The rate of the *road user charge must not be increased unless:
 - (a) the net figure has increased since the date the existing road user charge became effective; and

MODEL AMENDMENTS

- (b) an average of at least 90 additional heavy vehicle rest areas have been constructed each year on the National Land Transport Network, as defined in the *AusLink (National Land Transport) Act 2005*, since the date the existing road user charge became effective; and
 - (c) the type of rest areas constructed, their spacing and amenities are consistent with the goal that rest areas in the National Land Transport Network will comply by 2019 with the recommendations in the *National Guidelines for the Provision of Rest Area Facilities Final Report, Revised November 2005*, prepared by the National Transport Commission; and
 - (d) Infrastructure Australia, the body established by the *Infrastructure Australia Act 2008*, has advised the *Transport Minister in writing that:
 - (i) the matters referred to in paragraphs (b) and (c) have occurred, or will have occurred, at the date the proposed increase in the road user charge is to become effective; and
 - (ii) the construction of heavy vehicle rest areas makes reasonably adequate provision for current and future use by high-productivity vehicles.
 - Note: Infrastructure Australia's functions include functions conferred by laws other than its enabling Act—see paragraph 5(2)(k).
 - (e) the Transport Minister has released publicly, at least 60 days before making a determination under this section (the **public consultation period**), the net figure mentioned in subsection (3), all the expenditure figures and revenue estimates, statistics, formulas, methods and inputs used to calculate the net figure and the proposed rate of the road user charge, the advice of Infrastructure Australia referred to in paragraph (d) and a statement explaining the reasons for the proposed rate increase; and
 - (f) the Transport Minister has had regard to submissions received within the public consultation period.
- (5) The arterial road and other expenditure figures provided by the Commonwealth, States and Territories and released in accordance with paragraph (2)(e) must contain a statement of verification by the auditor-general in the jurisdiction to which the figures relate.
- (6) 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.
- (7) A determination made under this section must not take effect earlier than the first day after the end of the period in which the determination may be disallowed under Part 5 of the *Legislative Instruments Act 2003*.
- (8) In this section:
government expenditure means the amounts of expenditure by the Commonwealth, States, Territories and local governments for a financial year calculated in real terms as averages over a seven-year period using the latest:
 - (a) available arterial road expenditure figures provided by each of the States and Territories; and
 - (b) local road expenditure information based on Australian Bureau of Statistics figures.
-

MODEL AMENDMENTS

government revenue means the total of the amount of revenue expected to be raised by each of the Commonwealth, States, Territories and local governments in the financial year immediately following the date the determination made under this section is to commence.

heavy vehicle means a vehicle with a gross vehicle mass of more than 4.5 tonnes.

- (2) Schedule 3, page 5 (line 29) and page 6 (lines 1 to 8), omit the items (items 6, 7 and 8).