**EXPLANATORY STATEMENT**

***Interstate Road Transport Charge Amendment (2016 Measures No. 2) Regulation 2016***

###### Issued by Authority of the Minister for Infrastructure and Transport

Subject - *Interstate Road Transport Charge Act 1985*

 *Interstate Road Transport Charge Regulations 2009*

*The Interstate Road Transport Act 1985* and *Interstate Road Transport Regulations 1986* provide for the registration of vehicles under the Federal Interstate Registration Scheme (FIRS). The *Interstate Road Transport Charge Act 1985* and the *Interstate Road Transport Charge Regulations 2009* (the Principal Regulations) provide for the registration charges for those vehicles.

Section 7 of the *Interstate Road Transport Charge Act 1985* provides, in part, that the Governor-General may make regulations for the purposes of section 5 of the Act. Section 5(3) provides that the amount of charge is the amount calculated in accordance with regulations made by the Governor-General under section 7.

On 14 April 2016, the Governor-General amended the *Interstate Road Transport Charge Regulations 2009* (the Principal Regulations) to provide for the calculation of heavy vehicle registration charges for FIRS vehicles. The purpose of the proposed Regulation is to rectify an omission from the *Interstate Road Transport Charge Amendment (2016 Measures No. 1) Regulation 2016*.

The Regulation makes changes to subregulation 7C(3) and 7C(6) to include a reference of amount per axle to the heading under the road component for trailers and the heading under the regulatory component for trailers, in order to avoid doubt as to the relevant charges that apply to each trailer grouping.

These changes are in accordance with the 2014 Heavy Vehicle Charges Determination (2014 Determination). Through the Transport and Infrastructure Council, transport Ministers agreed that the 2014 Determination would come into effect from 1 July 2016.

The 2014 Determination was developed by the National Transport Commission and agreed by the Transport and Infrastructure Council. A Council of Australian Governments Regulation Impact Statement was completed by the National Transport Commission and approved by the Office of Best Practice Regulation (OBPR# 16170) as part of the development of the 2014 Determination.

An extensive public consultation process was undertaken on the 2014 Determination. This process involved written submissions, provision of industry briefings and a series of focus group consultations with industry, state and territory governments, peak industry associations and freight customers. As a result of the consultations, the National Transport Commission made a number of changes to its recommendations, which were discussed with industry and governments.

Details of the Regulation are set out in the Attachment.

The Regulation is a disallowable legislative instrument for the purposes of the *Legislation Act 2003*.

The Regulation commences immediately after the *Interstate Road Transport Charge Amendment (2016 Measures No. 1) Regulations 2016* come into effect on 1 July 2016 to align with the national system of heavy vehicle registration charges.

**ATTACHMENT**

**Details of the proposed *Interstate Road Transport Charge Amendment (2016 Measures No. 2) Regulation 2016***

Section 1 – Name of Regulation

This section provides that the title of the Regulation is the *Interstate Road Transport Charge Amendment (2016 Measures No. 2) Regulation 2016*.

Section 2 – Commencement

This section provides for the Regulation to commence on immediately following the commencement of *Interstate Road Transport Charge Amendment (2016 Measures No. 1) Regulations 2016,* on 1 July 2016.

Section 3 – Authority

This section provides that the *Interstate Road Transport Charge Amendment (2016 Measures No. 2) Regulation 2016* is made under the *Interstate Road Transport Charge Act 1985*.

Section 4 – Schedule

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

Schedule 1 – Amendments

**Item [1] –subregulation 7C(3)**

The heading of regulation 7C(3) is repealed and replaced with:

An addition to the road component heading for trailers, stating amount per axle, to ensure that each axle grouping in this table defines the amount to be paid per axle.

**Item [2] –subregulation 7C(6)**

The heading of regulation 7C(6) is repealed and replaced with:

An addition to the regulatory component heading for trailers, stating amount per axle, to ensure that each axle grouping in this table defines the amount to be paid per axle.

## Statement of Compatibility with Human Rights

*Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011*

***Interstate Road Transport Charge Amendment (2016 Measures No. 2) Regulation 2016***

This Disallowable Legislative Instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

### Overview of the Disallowable Legislative Instrument

Section 7 of the *Interstate Road Transport Charge Act 1985* provides, in part, that the Governor-General may make regulations for the purposes of section 5 of the Act. Section 5(3) provides that the amount of charge is the amount calculated in accordance with regulations made by the Governor-General under section 7.

In accordance with section 7 of the *Interstate Road Transport Charge Act 1985*, this Disallowable Legislative Instrument amends an error of omission from the *Interstate Road Transport Charge Amendment (2016 Measures No. 1) Regulation 2016* and provides clarification of what the charges are applicable to regarding trailers. The amendment details the amount to be paid applicable to trailers per axle for both the road and regulatory components.

### Human rights implications

This Disallowable Legislative Instrument does not engage any of the applicable rights or freedoms.

### Conclusion

This Disallowable Legislative Instrument is compatible with human rights as it does not raise any human rights issues.