

PARLIAMENT OF VICTORIA

Road Safety (Amendment) Act 1996

Act No.

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PARLIAMENT OF VICTORIA

Initiated in Assembly 11 September 1996

A BILL

to amend the **Road Safety Act 1986**, the **Transport Act 1983**, the **Impounding of Livestock Act 1994**, the **Road Transport Charges (Victoria) Act 1995** and the **Road Transport (Dangerous Goods) Act 1995** and for other purposes.

Road Safety (Amendment) Act 1996

The Parliament of Victoria enacts as follows:

PART 1—PRELIMINARY

1. *Purpose*

The purpose of this Act is—

- (a) to amend the **Road Safety Act 1986**—
 - (i) to enable certain civilians employed in the police force to inspect motor

vehicles and trailers and prohibit their use on highways;

(ii) to apply the demerits register provisions to the holders of learner permits and make changes with respect to the operation of that register;

(iii) to clarify the application of section 30(1);

(iv) to ensure that zero blood alcohol requirements apply where the full driver licence held does not relate to the category of vehicle concerned;

(v) to remove the requirement that a person must state an intention to defend a charge in a notice of objection to certain infringement notices;

(vi) to empower the making of regulations enabling number plates to be issued by way of auction or tender;

(b) to amend the **Transport Act 1983**—

(i) to transfer responsibility for bus licensing from the Roads Corporation to the Secretary to the Department of Infrastructure;

(ii) to repeal section 224 (offence to exceed speed limit fixed by Roads Corporation);

(c) to amend the definition of "officer of the Roads Corporation" contained in the **Impounding of Livestock Act 1994**;

(d) to amend the **Road Transport Charges (Victoria) Act 1995** with respect to the fees payable on registration or renewal of registration;

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- (e) to amend the **Road Transport (Dangerous Goods) Act 1995** with respect to its commencement.

2. Commencement

- (1) This Part comes into operation on the day on which this Act receives the Royal Assent.
 - (2) Section 13 is deemed to have come into operation on 19 December 1995.
 - (3) Subject to sub-section (4), the remaining provisions of this Act come into operation on a day or days to be proclaimed.
 - (4) If a provision referred to in sub-section (3) does not come into operation before 1 July 1997, it comes into operation on that day.
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PART 2—AMENDMENT OF ROAD SAFETY ACT 1986

3. *Power to inspect vehicles or prohibit use*

No. 127/1986.
Reprinted to
No. 58/1995.
Subsequently
amended by
Nos 100/1995
and 25/1996.

(1) In section 13(6) of the **Road Safety Act 1986**,
after paragraph (a) **insert**—

"(ab) a person employed under Part 2 of the **Public Sector Management Act 1992** in the police force of Victoria who is authorised in writing by the Chief Commissioner of Police for the purposes of this section; or".

(2) In section 14 of the **Road Safety Act 1986**, after "section" **insert** ", a person employed under Part 2 of the **Public Sector Management Act 1992** in the police force of Victoria who is authorised in writing by the Chief Commissioner of Police for the purposes of this section".

4. *Demerits register*

(1) In section 25(3), (4) and (6) of the **Road Safety Act 1986**, after "licence" **insert** "or learner permit".

(2) In section 25 of the **Road Safety Act 1986**, for sub-sections (3B), (3C) and (3D) **substitute**—

"(3B) If a person notifies the Corporation under sub-section (3A) that he or she elects to extend the demerit point period, the Corporation must, if the person incurs 1 or more additional demerit points in relation to any offence committed within the 12 month period after the date of the notice under sub-section (3)—

(a) by notice in the prescribed form served on the person, suspend his or her driver licence or learner permit for 6 months and an additional 2 months for each 4

demerit points in excess of 12 recorded against the person as at the date of the notice under sub-section (3); and

- (b) when calculating demerit points recorded against that person at any time after the end of the period of suspension, disregard all demerit points recorded against the person as at the date of the notice under sub-section (3).

(3C) If a person notifies the Corporation under sub-section (3A) that he or she elects to extend the demerit point period, the Corporation must, if the person incurs no additional demerit points in relation to any offence committed within the 12 month period after the date of the notice under sub-section (3), when calculating demerit points recorded against that person at any time after the end of that 12 month period, disregard all demerit points recorded against that person as at the date of the notice under sub-section (3).

(3D) If a person on whom a notice under sub-section (3) is served does not, in accordance with sub-section (3A), notify the Corporation that he or she elects to extend the demerit point period, the Corporation must—

- (a) by notice in the prescribed form served on the person, suspend his or her driver licence or learner permit for 3 months and an additional 1 month for each 4 demerit points in excess of 12 recorded against the person as at the date of the notice under sub-section (3); and

- (b) when calculating demerit points recorded against that person at any time

after the end of the period of suspension, disregard all demerit points recorded against the person as at the date of the notice under sub-section (3).".

- (3) In section 26(1)(c) and (3) of the **Road Safety Act 1986**, after "licence" insert "or learner permit".

5. Offence to drive while disqualified, etc.

In section 30(1) of the **Road Safety Act 1986**, omit "or after that authorisation has been cancelled".

6. Zero blood alcohol

- (1) In section 52(1) of the **Road Safety Act 1986**, for "not the holder of a full driver licence" substitute "driving or in charge of a motor vehicle without holding a full driver licence which authorises the holder to drive such a motor vehicle".
- (2) In section 52(1)(b)(i) of the **Road Safety Act 1986**, after "drive" insert "such".
- (3) In section 52(1A) of the **Road Safety Act 1986**, for "while" substitute "which authorises him or her to drive a large vehicle, while that person is".
- (4) In section 52(1B) of the **Road Safety Act 1986**, for "the holder of a full driver licence" substitute "driving or in charge of a motor vehicle while holding a full driver licence which authorises the holder to drive such a motor vehicle".
- (5) In section 52(1C) of the **Road Safety Act 1986**, after "licence" insert "which authorises him or her to drive a taxi-cab".

7. Notice of objection to infringement notices

In section 89A(5)(c) of the **Road Safety Act 1986**, for "that" substitute "whether or not".

8. Issue of number plates

- (1) In item 16A of Schedule 2 to the **Road Safety Act 1986**, after "issue" insert "(which may include at auction or by inviting tenders)".
- (2) In Schedule 2 to the **Road Safety Act 1986**, after item 16A insert—

"16B. The manner in which registration numbers may be assigned to motor vehicles and trailers and number plates bearing registration numbers issued, which may include at auction or by inviting tenders."

PART 3—AMENDMENT OF TRANSPORT ACT 1983

9. *Licensing of commercial passenger vehicles and private omnibuses*

No. 9921.
Reprinted to
No. 107/1995.

(1) In section 2(1) of the **Transport Act 1983**, after the definition of "land" insert—

' "licensing authority" means the Secretary;'

(2) Section 138A of the **Transport Act 1983** is repealed.

(3) In section 141 of the **Transport Act 1983**—

(a) for sub-section (1) substitute—

"(1) Sections 142, 143 and 146 do not apply in relation to an application for a commercial passenger vehicle licence in respect of a vehicle which is to operate as a public commercial passenger vehicle or in relation to a commercial passenger vehicle licence granted in respect of such a vehicle.";

(b) sub-sections (2), (3) and (4) are repealed.

(4) In section 143(3) of the **Transport Act 1983**—

(a) omit "or renew";

(b) in paragraphs (a) and (b) omit "or renewal".

(5) In section 144(2) of the **Transport Act 1983**, for "Subject to such conditions as may be required by the secretary pursuant to section 141(3), the" substitute "The".

(6) In section 155(1)(b) of the **Transport Act 1983**, for "Roads Corporation" (where twice occurring) substitute "licensing authority".

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- (7) In section 164(1) of the **Transport Act 1983**, for "Roads Corporation" (where twice occurring) **substitute** "licensing authority".
 - (8) In section 164(2) of the **Transport Act 1983**, for "Roads Corporation" **substitute** "licensing authority".
 - (9) In section 165 of the **Transport Act 1983**, for "Roads Corporation" (where twice occurring) **substitute** "licensing authority".
 - (10) In section 167(3) of the **Transport Act 1983**, for "Roads Corporation" **substitute** "licensing authority".
 - (11) In section 168(1) and (2) of the **Transport Act 1983**, for "Roads Corporation" **substitute** "licensing authority".
 - (12) In section 169 of the **Transport Act 1983**, for "Roads Corporation" (where twice occurring) **substitute** "licensing authority".

10. *Repeal of section 224 of Transport Act 1983*

Section 224 of the **Transport Act 1983** is **repealed**.

11. *Transitional provisions*

- (1) Any application to or proceeding before the Roads Corporation in respect of a vehicle which is, or is to operate as, a commercial passenger vehicle or private omnibus or in respect of the owner or driver of such a vehicle or in respect of the holder of a commercial passenger vehicle licence or a private omnibus licence that had not been finally determined by the Roads Corporation before the commencement of section 9 shall be determined by the Secretary to the Department of Infrastructure in accordance with the **Transport Act 1983** as amended by section 9.

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- (2) If, in accordance with sub-section (1), the Secretary determines an application or proceeding, any thing done or any requirement complied with in relation to the application or proceeding before the commencement of section 9 must, so far as consistent with the provisions of the **Transport Act 1983** as amended by section 9, be taken to have been done or complied with for the purposes of the determination by the Secretary and the Secretary may have regard to any record of the Roads Corporation in relation to the application or proceeding.
- (3) The **Transport Act 1983** as amended by section 9 applies to—
- (a) any application for or in relation to a commercial passenger vehicle licence (other than one in respect of a vehicle which is, or is to operate as, a taxi-cab, restricted hire vehicle, hire car or special purpose vehicle) or a private omnibus licence made but not finally determined before the commencement of section 9;
- (b) any commercial passenger vehicle licence (other than one in respect of a vehicle which is, or is to operate as, a taxi-cab, restricted hire vehicle, hire car or special purpose vehicle) and any private omnibus licence in force immediately before that commencement and any such licence may be suspended, cancelled, revoked or transferred or have any condition of or attached to it altered in accordance with the provisions of the **Transport Act 1983** as amended by section 9 or have any route or area in respect of which it was granted altered in accordance with those provisions.
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- (4) The provisions of this section are additional to, and do not limit, the provisions of the **Interpretation of Legislation Act 1984**.
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PART 4—AMENDMENT OF OTHER ACTS

12. *Amendment of Impounding of Livestock Act 1994*

No. 89/1994.

In the definition of "officer of the Roads Corporation" in section 3 of the **Impounding of Livestock Act 1994**, after "person" insert ", and a person included in a class of persons,".

13. *Amendment of Road Transport Charges (Victoria) Act 1995*

No. 69/1995.

(1) In section 5(1) of the **Road Transport Charges (Victoria) Act 1995**—

- (a) for "payable on" substitute "payable in respect of";
- (b) omit "annual";
- (c) after "Australian Capital Territory" (where twice occurring) insert "for the corresponding period".

(2) In section 5 of the **Road Transport Charges (Victoria) Act 1995**, for sub-section (3) substitute—

"(3) This section does not affect—

- (a) any power conferred by or under the **Road Safety Act 1986** to—
 - (i) charge pro-rata amounts for registrations that are for less than a whole year; or
 - (ii) charge fees in respect of the inspection of vehicles for the purpose of registration; or
 - (iii) charge other administrative fees in respect of matters relating to vehicles; or

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- (b) any power conferred by section 95(4)(f) of that Act."

14. *Amendment of Road Transport (Dangerous Goods) Act 1995*

In section 2 of the **Road Transport (Dangerous Goods) Act 1995**—

- (a) in sub-section (2), for "Subject to sub-section (3), the" **substitute "The"**;
- (b) sub-section (3) is **repealed**.
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NOTES

By Authority. Government Printer for the State of Victoria.
