

LEGISLATIVE ASSEMBLY

Read 1^o 13 October 1982

(Brought in by Mr Crabb and Mr Fordham)

A BILL

To amend the *Motor Car Act 1958* with respect to Registration and Drivers' Licences, to amend the *Motor Car (Drivers' Licences) Act 1981* and for other purposes.

BE IT ENACTED by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say):

1. (1) This Act may be cited as the *Motor Car (Registration and Drivers' Licences) Act 1982*. Short title.

(2) In this Act the *Motor Car Act 1958* is referred to as the Principal Act.

Principal Act
No. 6325.
Reprinted to
No. 9346.
Subsequently
amended by
Nos. 9370, 9403,
9418, 9424, 9427,
9477, 9503, 9511,
9548, 9549, 9560,
9590, 9606, 9622,
9650, 9655, 9680,
9734 and 9740.
Commence-
ment.

10 (3) The several provisions of this Act (except sections 10, 13, 16 and 19) shall come into operation on the day or on the respective days to be fixed by proclamation or successive proclamations of the Governor in Council published in the *Government Gazette*.

(4) Sections 10, 13 and 16 shall come into operation on a day to be fixed by proclamation of the Governor in Council published in the *Government Gazette*.

(5) Section 19 shall come into operation on the day on which this Act receives the Royal Assent. 5

Amendment of
No. 6325 s. 7
(1).

2. Section 7 (1) of the Principal Act is amended as follows:

(a) In paragraph (ba) the words "and no fee or charge shall be made in respect of any registration label therefor or transfer thereof or otherwise in relation thereto" shall be repealed; 10

(b) For the word "no fee" (wherever occurring) there shall be substituted the expression "a fee of \$10"; and

(c) After paragraph (bb) there shall be inserted the following paragraph:

"(bc) a fee of \$10 shall be payable in respect of the registration or renewal of registration of any private trailer which is owned by any municipality or is constructed and used exclusively as a road making machine or is used exclusively as an office shed or shelter in road construction works by a body incorporated by or under any Act for a public purpose;". 15
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Amendment of
No. 6325 s. 10.

3. Section 10 of the Principal Act is amended as follows:

(a) In sub-section (3) after the words "post or otherwise" there shall be inserted the words "or to its duly authorized agent"; 25

(b) In sub-section (5)—

(i) after the word "Board" (where first occurring) there shall be inserted the words "or its duly authorized agent"; 30

(ii) for the words "or registration officer" (where secondly occurring) there shall be substituted the words "its duly authorized agent or the registration officer"; and

(c) After sub-section (5) there shall be inserted the following sub-sections: 35

"(5A) The Board may with the approval of the Minister enter into agreements or arrangements on such terms and conditions (if any) as are prescribed with any person or persons for acting as agents of the Board in the collection of fees payable in respect of the registration of motor cars under this Act and for 40

or

or with respect to the making and keeping of records relating to the registration of motor cars under this Act.

5 (5B) Any person employed or engaged in the performance of work carried out under any agreement or arrangement with the Board in connexion with the registration of motor cars for the purposes of this Act who—

10 (a) divulges, except to the Board or officers or employes of the Board or of his employer or except by direction of the Minister given either generally or in any particular case, the contents of any record prepared for the purposes of this Act;

15 (b) makes use of his knowledge of the contents of that record except for the purposes of this Act; or

20 (c) reveals, either while such an officer or employe or at any other time, any information which comes to his knowledge in the course of his duty—

shall be guilty of an offence against this Act.

Penalty: 50 penalty units.

25 (5C) Any person who causes permits or suffers any person to commit an offence against this section shall be guilty of an offence against this Act.

Penalty: 50 penalty units.”.

4. Section 13 (1) of the Principal Act is amended as follows: Amendment of No. 6325 s. 13

30 (a) In paragraph (d) for the expression “\$1” there shall be substituted the expression “\$5”; and (1).

(b) In paragraph (e) for the expression “\$2.50” there shall be substituted the expression “\$10”.

5. Section 16 of the Principal Act is amended as follows: Amendment of No. 6325 s. 16.

35 (a) In sub-section (1) for the expression “\$30” there shall be substituted the expression “\$50”; and

(b) In sub-section (3) for the expression “\$2” there shall be substituted the expression “\$20”.

6. Section 16A of the Principal Act is amended as follows: Amendment of No. 6325 s. 16A.

40 (a) In sub-section (1) for the expression “\$30” there shall be substituted the expression “\$50”; and

(b) In sub-section (4) for the expression “\$2” there shall be substituted the expression “\$20”.

7. Section

Amendment of
No. 6325 s. 20.

7. Section 20 of the Principal Act is amended as follows:

- (a) For the words "which is registered without payment of a registration fee" there shall be substituted the expression "for which a fixed registration fee of \$10 is payable under section 7 (1) (ba)"; and 5
- (b) After the words "appropriate registration fee" there shall be inserted the words "provided for in the Second Schedule".

Amendment of
No. 6325 s. 21B.

8. Section 21B of the Principal Act is amended as follows:

- (a) For sub-section (1) there shall be substituted the following sub-sections: 10

"(1) The person in whose name a motor car or commercial trailer is registered shall at the time of any disposal of the motor car or trailer deliver or cause to be delivered to the person who acquires possession of the motor car or trailer a certificate of roadworthiness which has been issued not more than 30 days before the date of the disposal of the motor car or trailer. 15

(1A) The person in whose name a motor car or trailer is registered shall— 20

- (a) at the time of any disposal of the motor car or trailer deliver or cause to be delivered to the person who acquires possession of the motor car or trailer—
- (i) the current certificate of registration of the motor car or trailer; and 25
- (ii) a notice of disposal of the motor car or trailer in or to the effect of the prescribed form and containing the prescribed particulars; or 30
- (b) within fourteen days of the disposal of the motor car or trailer send or deliver to the Board that current certificate of registration and notice of disposal.";

- (b) In sub-section (2)— 35

- (i) for the expression "forty-eight hours" there shall be substituted the words "fourteen days";
- (ii) the word "and" between paragraphs (a) and (b) shall be repealed; and
- (iii) after paragraph (b) there shall be inserted the following word and paragraph: 40
- "and
- (c) where a current certificate of registration and notice of disposal have been delivered to him under sub-section (1A), that certificate and notice.";

(c) For 45

(c) For sub-section (3) there shall be substituted the following sub-section:

“(3) Where the current certificate of registration is held by the Board—

5 (a) the provisions of sub-section (1A) (a) (where applicable) shall be sufficiently complied with if particulars of the application with respect to which the certificate has been lodged are supplied with the notice of disposal to the person who acquires possession of the motor car or trailer;

10 (b) the provisions of sub-section (1A) (b) (where applicable) shall be sufficiently complied with if particulars of the application with respect to which the certificate has been lodged are supplied to the Board with the notice of disposal; and

15 (c) where particulars of the application with respect to which the certificate has been lodged are supplied under paragraph (a) to the person who acquires possession of the motor car or trailer, the provisions of sub-section (2) (c) shall be sufficiently complied with if particulars of the application with respect to which the certificate has been lodged are supplied to the Board with the notice of disposal.”;

20 (d) In sub-sections (4), (4A) and (4B) the expression “paragraph (a) of” shall be repealed;

25 (e) In sub-section (5) (c) after the expression “sub-section (1)” there shall be inserted the expression “sub-section (1A)”; and

30 (f) In sub-section (9) (a) after the expression “sub-section (1)” there shall be inserted the expression “or sub-section (1A)”.

35 9. Section 21D of the Principal Act is amended as follows:

(a) In sub-section (2) for the expression “\$10” there shall be substituted the expression “\$50”; and

40 (b) In sub-section (5) for the expression “\$4” there shall be substituted the expression “\$10”.

Amendment of
No. 6325 s. 21D.

10. (1) Section

Amendment of
No. 6325
s. 22.

- 10. (1) Section 22 of the Principal Act is amended as follows:
 - (a) In sub-section (6) for the words "for three years" there shall be substituted the expression:
 - "(a) in the case of a licence issued on probation, for 5
three years; and
 - (b) in the case of any other licence, for six years";
 - (b) For sub-section (7) there shall be substituted the following sub-section:
 - "(7) The fee which shall be paid for a licence issued pursuant to this Part to drive a motor car other than a 10
motor cycle or to drive a motor cycle is—
 - (a) in the case of a licence issued on probation—
\$30; and
 - (b) in the case of any other licence—\$54.";
 - (c) In sub-section (9) for the expression "\$30" there shall 15
be substituted the expression "\$54";
 - (d) In sub-section (9A) for the words "three years" there shall be substituted the words "six years"; and
 - (e) After sub-section (10A) there shall be inserted the 20
following sub-section:
 - "(10B) Notwithstanding anything to the contrary in this section or in any other Act, if a licence to drive a motor car other than a motor cycle or to drive a motor cycle is issued or renewed for a period other than the 25
period prescribed for the issue or renewal of that licence, the licence shall be valid and of full force and effect during the period for which it purports to be issued or renewed."
- (2) Notwithstanding anything to the contrary in the Principal Act but subject to sub-sections (3) and (6), the provisions of the 30
Principal Act shall apply to and in relation to any licence to drive a motor car other than a motor cycle or to drive a motor cycle—
 - (a) which is renewed within the period of three years after the commencement of this section; and
 - (b) the relevant date of which is an odd number— 35
as if—
 - (c) a reference in section 22 (9) of that Act to \$54 were a reference to \$30; and
 - (d) a reference in section 22 (9A) of that Act to six years 40
were a reference to three years.

(3) Notwithstanding

(3) Notwithstanding anything to the contrary in the Principal Act or in sub-section (2) of this section—

5 (a) any person who would otherwise be entitled to the renewal for a period of six years of a licence to drive a motor car other than a motor cycle or to drive a motor cycle may request the Transport Regulation Board to renew the licence for a period of three years; and

10 (b) any person who would otherwise be entitled to the renewal for a period of three years of a licence to drive a motor car other than a motor cycle or to drive a motor cycle may request the Board to renew the licence for a period of six years.

15 (4) The Board after considering a request under sub-section (3) of this section may in its discretion determine that the licence may be renewed for the period requested.

(5) Where the Board has determined under sub-section (4) of this section that a licence may be renewed for a period of three years, the provisions of the Principal Act shall apply to and in relation to that licence as if—

20 (a) a reference in section 22 (9) of that Act to \$54 were a reference to \$30; and

(b) a reference in section 22 (9A) of that Act to six years were a reference to three years.

25 (6) Where the Board has determined under sub-section (4) of this section that a licence may be renewed for a period of six years, the provisions of sub-section (2) of this section shall not apply in respect of that licence.

(7) In this section the relevant date in relation to a licence means the day stated on that licence for the expiry of that licence.

30 (8) On the expiration of three years after the commencement of this section, sub-sections (2), (3), (4), (5), (6) and (7) of this section shall be repealed.

11. Section 22 (8) of the Principal Act is amended as follows:

Amendment of
No. 6325
s. 22 (8).

35 (a) For the expression "\$5" there shall be substituted the expression "\$10"; and

(b) For the expression "\$10" there shall be substituted the expression "\$20".

12. Section 22AA of the Principal Act is amended as follows:

Amendment of
No. 6325
s. 22A.

40 (a) In sub-section (1) for the expression "\$100" there shall be substituted the expression "\$300"; and

(b) In sub-section (2) for the expression "\$35" there shall be substituted the expression "\$300".

13. (1) In section

Amendment of
No. 6325
s. 22D. (1).

13. (1) In section 22D (1) of the Principal Act for the expression “one-third of the fee paid in respect of the licence” there shall be substituted the expression—

- (a) in the case of a licence issued on probation, one-third of the fee paid in respect of the licence; and 5
- (b) in the case of any other licence—one-sixth of the fee paid in respect of the licence—”

(2) Notwithstanding anything to the contrary in the Principal Act the provisions of the Principal Act shall apply to and in relation to—

- (a) a licence which is in force immediately before the commencement of this section and which is surrendered under section 22D (1) of the Principal Act before the end of the period of three years after that commencement; and 10
- (b) a licence which is renewed on or after the commencement of this section for a period of three years and which is surrendered under section 22D (1) of the Principal Act before the end of that period of three years— 15

as if a reference in section 22D (1) of the Principal Act to one-sixth of the fee paid in respect of the licence were a reference to one-third of the fee paid in the respect of the licence. 20

Amendment of
No. 6325
s. 23AA.

14. Section 23AA of the Principal Act is amended as follows:

- (a) In sub-section (5) for the expression “\$5” there shall be substituted the expression “\$10 in the case of a learner driver’s permit or \$5 in the case of a motor cycle learner’s permit”; 25
- (b) In sub-section (7) for the expression “A learner driver’s permit or a motor cycle learner’s permit” there shall be substituted the expression “A motor cycle learner’s permit”; and
- (c) After sub-section (7) there shall be inserted the following 30 sub-section:
“(7A) A learner driver’s permit shall remain in force for two years from the date of its issue.”.

Amendment of
No. 6325
s. 24A.

15. Section 24A of the Principal Act is amended as follows:

- (a) In sub-section (4) for the expression “\$100” there shall be substituted the expression “\$150”; and 35
- (b) In sub-section (5A)—
 - (i) for the expression “\$2” there shall be substituted the expression “\$10”; 40
 - (ii) for the expression “\$5” there shall be substituted the expression “\$20”; and
 - (iii) for the expression “\$10” there shall be substituted the expression “\$20”.

16. (1) In section

16. (1) In section 25 (6) of the Principal Act for the words "one-third of the fee paid in respect of that licence" there shall be substituted the expression—

Amendment of
No. 6325
s. 25 (6).

- 5 (a) in the case of a licence issued on probation—one-third of the fee paid in respect of the licence; and
- (b) in the case of any other licence—one-sixth of the fee paid in respect of the licence—”.

10 (2) Notwithstanding anything to the contrary in the Principal Act, the provisions of the Principal Act shall apply to and in relation to—

- 15 (a) a licence which is in force immediately before the commencement of this section and which is cancelled pursuant to section 25 (1) (b) of the Principal Act before the end of the period of three years after that commencement; and
- (b) a licence which is renewed on or after the commencement of this section for a period of three years and which is cancelled pursuant to section 25 (1) (b) of the Principal Act before the end of that period of three years—
- 20 as if in section 25 (6) of the Principal Act a reference to one-sixth of the fee paid in respect of the licence were a reference to one-third of the fee paid in respect of the licence.

17. (1) In section 93 (1) of the Principal Act paragraph (b) is amended as follows:

Amendment of
No. 6325
s. 93 (1).

- 25 (a) After sub-paragraph (ia) there shall be inserted the following sub-paragraph:
- 30 “(ib) prescribing fees for the reservation of new number-plates and for the holding of number-plates by the Board for periods of time;”; and
- (b) For sub-paragraph (ix) there shall be substituted the following sub-paragraph:
- 35 “(ix) prescribing fees for searches of and extracts from the register (including searches carried out on behalf of the Crown and extracts provided to the Crown);”.

(2) In section 93 (1) of the Principal Act, after paragraph (o) there shall be inserted the following paragraphs:

- 40 “(oa) the making of agreements or arrangements with the Board for acting as agent for the Board in collecting fees payable for the registration of motor cars and trailers or for recording particulars of registration of motor cars and trailers and other matters required

under

under this Act to be recorded and keeping that record or both collecting those fees and keeping that record;

- (ob) the collection of fees by agents of the Board and the payment of fees collected to the Board;
- (oc) the recording by agents of the Board of particulars of registration of motor cars and trailers and other matters required under this Act to be recorded and the keeping of those records;”.

Amendment of No. 6325. Second Schedule.

18. The Second Schedule to the Principal Act is amended as follows:

- (a) Under the heading “B.—*Motor cars other than motor cycles—*”, paragraph (ab) is amended as follows:
 - (i) For the word “either” there shall be substituted the word “any”; and
 - (ii) After the expression “M.C. (Metropolitan Special Service Omnibus)” there shall be inserted the expression “U.C. (Urban Special Service Omnibus), C.C. (Country Special Service Omnibus)”;
- (b) Under the heading “C.—*Trailers attached to motor cars (other than motor cycles)—*”, the expression commencing with the words “For any private trailer which is owned by any municipality” and ending with the expression “for a public purpose—\$4.60” shall be repealed.

Amendment of No. 9680.

19. (1) Section 2 of the *Motor Car (Drivers' Licences) Act 1981* is amended as follows:

- (a) For the expression “2. Section 22” there shall be substituted the expression “2. (1) Section 22”;
- (b) In paragraph (e) for the words “three years” (where secondly occurring) there shall be substituted the words “six years”;
- (c) In paragraph (h)—
 - (i) for the expression “\$30” there shall be substituted the expression “\$54”;
 - (ii) after the expression “\$10 for every year or part of a year that the licence will continue in force” there shall be inserted the expression “but where the amount which would be otherwise payable under this paragraph exceeds \$54 the appropriate fee shall be \$54”; and
 - (iii) for the words “three years” there shall be substituted the words “six years”;

(d) After

- (d) After paragraph (1) there shall be inserted the following sub-sections:

5 “(2) Notwithstanding anything to the contrary in the Principal Act but subject to sub-sections (3) and (6), the provisions of the Principal Act shall apply to and in relation to any licence to drive a motor car other than a motor cycle or to drive a motor cycle—

10 (a) which is renewed within the period commencing on the commencement of this Act and ending on the expiration of the period of three years after the commencement of section 10 of the *Motor Car (Registration and Drivers' Licences) Act 1982*; and

15 (b) the relevant date of which is an odd number—
as if—

(c) a reference in section 22 (9) (a) of the Principal Act to \$54 were a reference to \$30; and

(d) a reference in section 22 (9A) of the Principal Act to six years were a reference to three years.

20 (3) Notwithstanding anything to the contrary in the Principal Act or in sub-section (2) of this section—

25 (a) any person who would otherwise be entitled to the renewal for a period of six years of a licence to drive a motor car other than a motor cycle or to drive a motor cycle may request the Transport Regulation Board to renew the licence for a period of three years; and

30 (b) any person who would otherwise be entitled to the renewal for a period of three years of a licence to drive a motor car other than a motor cycle or to drive a motor cycle may request the Board to renew the licence for a period of six years.

35 (4) The Board after considering a request under sub-section (3) of this section may in its discretion determine that the licence may be renewed for the period requested.

40 (5) Where the Board has determined under sub-section (4) of this section that a licence may be renewed for a period of three years the provisions of the Principal Act shall apply to and in relation to that licence as if—

(a) a reference in section 22 (9) (a) of that Act to \$54 were a reference to \$30; and

(b) a reference

(b) a reference in section 22 (9A) of that Act to six years were a reference to three years.

(6) Where the Board has determined under sub-section (4) of this section that a licence may be renewed for a period of six years, the provisions of sub-section (2) of this section shall not apply in respect of that licence. 5

(7) In this section the relevant date in relation to a licence means the day stated on that licence for the coming into force of that licence. 10

(8) On the expiration of three years after the commencement of section 10 of the *Motor Car (Registration and Drivers' Licences) Act 1982*, sub-sections (2), (3), (4), (5), (6) and (7) of this section shall be repealed. 15

(9) On the commencement of this Act, sub-sections (2), (3), (4), (5), (6), (7) and (8) of section 10 of the *Motor Car (Registration and Drivers' Licences) Act 1982* shall be repealed.”.

(2) For section 7 of the *Motor Car (Drivers' Licences) Act 1981* there shall be substituted the following section: 20

“7. Section 93 (1) of the Principal Act is amended as follows:

(a) In paragraph (oa)—

(i) before the words “or for recording particulars of registration” there shall be inserted the words “or for the licensing of drivers”; and 25

(ii) before the words “and other matters” there shall be inserted the words “or particulars of licensed drivers”; and

(b) In paragraph (oc) before the words “and other matters” there shall be inserted the words “or particulars of licensed drivers”.”. 30

Amendment of
No. 9548

20. The *Motor Car (Mass and Dimension Limits) Act 1981* is amended as follows:

(a) In section 4 (a), for the words “no fee” (wherever occurring) there shall be substituted the expression “a fee of \$10”; 35

(b) In section 21—

(i) in paragraph (a) (ii) the expression “in paragraph (a)” shall be repealed; 40

(ii) in

(ii) in paragraph (b) for the expression "sub-section (2)" there shall be substituted the expression "sub-sections (1A), (2) and (3)";

5 (c) In section 35 after paragraph (c) there shall be inserted the following paragraph:

"(d) in paragraphs (oa) and (oc) for the words "and trailers" there shall be substituted the expression "trailers and semi-trailers".

10 21. In the Third Schedule to the *Stamps Act* 1958 under the heading "XXI. APPLICATIONS FOR REGISTRATION OF AND NOTICES OF ACQUISITION IN RESPECT OF MOTOR CARS AND COMMERCIAL TRAILERS—" in exemption 2. for the expression "a fixed registration fee of \$7.60" (where first occurring) there shall be substituted the expression "a fixed registration fee of \$10 or \$7.60".

Amendment of
No. 6375.
Third Schedule.

