

LEGISLATIVE ASSEMBLY

Read 1° 5 September 1984

(Brought in by Mr Crabb and Mr Roper)

A BILL

To amend the *Motor Car Act* 1958, to repeal 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):

Short title.

1. This Act may be cited as the *Motor Car (Licences) Act* 1984.

Commencement.

2. The several provisions of this Act shall come into operation on the day or the respective days to be fixed by proclamation or successive proclamations of the Governor in Council published in the *Government Gazette*.

Principal Act.

3. In this Act the *Motor Car Act* 1958 is referred to as the Principal Act.

No. 6325.
Reprinted to No.
9344.
Subsequently
amended by Nos.
9370, 9403,
9418, 9424,
9427, 9477,
9503, 9511,
9548, 9560,
9590, 9606,
9622, 9628,
9650, 9655,
9680, 9734,
9740, 9802,
9810, 9852,
9861, 9868,
9902, 9915,
9921, 9953,
9991, 10023,
10070, 10086,
10087, 10089,
10097.

Form of Licence and Indorsement and prescribed procedures and requirements for obtaining licence.

4. In section 22 of the Principal Act—

- (a) For sub-section (5) there shall be substituted the following sub-sections: 5

“(5) Every indorsement made on a licence by the Authority shall be in the prescribed form.

(5A) Every licence issued by the Authority shall contain—

- (a) the name of the licence holder; 10
- (b) the address of the usual place of residence of the licence holder;
- (c) the signature of the licence holder;
- (d) except in the case of a motor tractor driver's licence, a colour photograph of the licence holder; and 15
- (e) such other particulars as are prescribed.”; and
- (b) in sub-section (8) before the words “and to” there shall be inserted the words “to comply with such procedures and requirements as are prescribed.”.

Renewal of Driver's Licence. 20

- 5. (1)** In section 22 of the Principal Act for sub-sections (9) and (9A) there shall be substituted the following sub-sections:

“(9) A driver's licence other than a motor tractor driver's licence may upon payment of the appropriate fee set forth hereunder be renewed at any time before the licence expires or at any time thereafter during which that licence if renewed, would be in force, namely— 25

- (a) where payment is made before the licence expires or less than twelve months thereafter—\$54; or
- (b) where payment is made twelve months or more after the licence expires—\$9 for every year or part of a year that the licence will continue in force. 30

(9A) A licence renewed pursuant to the provisions of sub-section (9) shall be in force—

- (a) where the fee is received by the Authority or its duly authorized agent before the previous licence expires— from the date of expiry of the previous licence; or 35
- (b) where the fee is received by the Authority or its duly authorized agent after the previous licence expires—from the date of the receipt by the Authority or the agent of the Authority— 40

and shall remain in force until six years after the date of expiry of the previous licence.”.

(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 driver's licence, other than a motor tractor driver's licence—

5 (a) which is renewed within the period commencing on the commencement of this section 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

10 (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;

15 (d) a reference in section 22 (9) (b) of the Principal Act to \$9 were a reference to \$10; and

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

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

20 (a) any person who would otherwise be entitled to the renewal for a period of six years of a driver's licence may request the Authority to renew the licence for a period of three years; and

25 (b) any person who would otherwise be entitled to the renewal for a period of three years of a driver's licence may request the Authority to renew the licence for a period of six years.

(4) The Authority 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.

30 (5) Where the Authority 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—

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

(b) a reference in section 22 (9) (b) of that Act to \$9 were a reference to \$10; and

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

40 (6) Where the Authority 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 of the date stated on that licence for the expiry of that licence.

(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), (7), and this sub-section of this section shall be repealed. 5

(9) On the commencement of this section, 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.

Power to Authority to enter into certain agency agreements, offence to require licence to establish identity and licence receipts. 10

6. After section 22 (11) of the Principal Act there shall be inserted the following:

“(12) The Authority may with the approval of the Minister enter into an agreement or arrangement on such terms and conditions (if any) as are prescribed with any person for acting as an agent of the Authority in the collection of fees payable in respect of drivers' licences, the taking of photographs to be incorporated in drivers' licences and for or with respect to the making and keeping of records relating to the licensing of drivers under this Part. 15 20

(13) A person employed or engaged in the performance of work carried out under any agreement or arrangement with the Authority in connexion with the licensing of drivers for the purposes of this Act shall not—

- (a) divulge, except to the Authority or officers or employees of the Authority or to the person's 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; 25
- (b) make use of the person's knowledge of the contents of any such record except for the purposes of this Act; or 30
- (c) reveal, either while so employed or engaged or at any other time, any information which comes to the person's knowledge in the course of duty— 35

unless the divulgence, use or revelation is made— 35

- (d) in connexion with the administration or execution of this Act or the regulations; or
- (e) for the purposes of any legal proceedings arising out of this Act or the regulations or of any report of any such proceedings. 40

Penalty: 10 penalty units.

(14) An officer or employee of the Authority shall not require the production of a driver's licence for the purpose of establishing the

identity of the holder of the licence except in the course of duties under this Act or the *Transport Act 1983*.

(15) Where—

(a) an applicant for a driver's licence has—

(i) satisfactorily completed an appropriate test under sub-section (8); and

(ii) paid the prescribed fee for the licence; or

(b) the holder of a driver's licence has—

(i) applied for renewal or amendment of the licence or a duplicate licence or replacement licence; and

(ii) paid the prescribed fee (if any)—

and the Authority has not issued a driver's licence, the Authority may issue a licence receipt.

(16) A licence receipt shall—

(a) contain such particulars as are prescribed.

(b) remain in force until—

(i) the expiry of two months from the date of its issue;

(ii) the Authority issues to the applicant or holder a driver's licence;

(iii) the Authority serves on the applicant or holder (which service the Authority is authorized to effect by post) notice that the application has been refused;

(iv) a court disqualifies the applicant or holder from obtaining a licence to which the application relates; or

(v) in the case where the holder of a driver's licence has applied for renewal or amendment of the licence or a duplicate licence or replacement licence—

(A) a court orders the cancellation or suspension of the licence to which the application relates; or

(B) the Authority serves on the holder (which service the Authority is authorized to effect by post) notice that the licence to which the application relates has been cancelled or suspended—

whichever first occurs; and

(c) shall have the same force and effect and shall be subject to the same conditions as a licence to which the application relates.”.

Separate learner's permits to be issued.

7. Section 23^{AA} of the Principal Act shall be amended as follows:

(a) In sub-section (2) the expression “(or, if the applicant has a motor cycle driver's licence, make a motor car learner's endorsement upon that licence)” and the words “or endorsing” shall be repealed;

- (b) In sub-section (3) the words "or making of an endorsement" shall be repealed;
- (c) In sub-section (4) the expression "(or, if the applicant has a motor car learner's permit or motor car driver's licence, make a motor cycle learner's endorsement upon that permit or licence)" and the words "or endorsing" shall be repealed; 5
- (d) In sub-section (5) the words "or making of an endorsement" shall be repealed;
- (e) In sub-sections (6) and (7) the words "or learner's endorsement" shall be repealed; 10
- (f) In sub-section (8) the words "or motor cycle learner's endorsement" shall be repealed;
- (g) In sub-section (11) the words "or make a learner's endorsement" shall be repealed;
- (h) In sub-section (16)— 15
 - (i) the words "endorsed learner's permit or learner's endorsement" shall be repealed;
 - (ii) paragraph (b) shall be repealed; and
 - (iii) for paragraph (c) there shall be substituted the following— 20

"(c) the appropriate issuing fee for the permit;";
- (i) In sub-section (19)—
 - (i) the words "or motor car learner's endorsement" shall be repealed;
 - (ii) the words "or of the licence upon which the endorsement is made" shall be repealed; and 25
 - (iii) in paragraph (e) the words "or endorsement" shall be repealed.
- (j) In sub-section (20)—
 - (i) the words "or motor cycle learner's endorsement" shall be repealed; and 30
 - (ii) the expression "or the permit or licence upon which it is made (as the case may be)" shall be repealed; and
 - (iii) in paragraph (f) for the words "endorsement or" there shall be substituted the word "permit". 35
- (k) In sub-section (21) for paragraphs (a) and (b) there shall be substituted the words "a learner's permit";
- (l) In sub-section (22) for the words ", learner's permit or learner's endorsement" there shall be substituted the words "or learner's permit"; 40
- (m) In sub-section (23) the words "or motor car learner's endorsement" and the expression "or made (as the case may be)" shall be repealed;
- (n) In sub-section (24) the words "or motor cycle learner's endorsement" shall be repealed; 45

(o) In sub-section (25) (b) the expression "or a licence or permit with learner's endorsement (as the case may be)" shall be repealed;

(p) Sub-section (26) shall be repealed;

5 (q) In sub-section (28) the expression "or learner's endorsement (whichever is applicable)" shall be repealed;

(r) In sub-section (29) the words "or motor car learner's endorsement" shall be repealed;

10 (s) In sub-section (30) the words "or motor cycle learner's endorsement" shall be repealed; and

(t) In sub-sections 31 (a) and (b) and 32 (a) and (b) for the words "or learner's permit or learner's endorsement" (wherever occurring) there shall be substituted the words "or learner's permit".

15 **Refusal, cancellation etc. of licence where prescribed procedures or requirements not complied with.**

8. In section 25 (1) of the Principal Act after paragraph (a) there shall be inserted the following paragraph:

20 "(aa) in the case of the issue of a driver's licence, the person has failed to comply with the prescribed requirements or procedures for obtaining a driver's licence;"

Provision of specimen signature where person fails to produce licence.

9. In the proviso to section 29 (2) of the Principal Act after the word "failure" (where first occurring) there shall be inserted the words
25 "provides a specimen of his signature at the time of the request".

Regulations.

10. In section 93 (1) of the Principal Act—

(a) after paragraph (d) there shall be inserted the following paragraphs;

30 "(daa) prescribing the procedures or requirements for obtaining a driver's licence including requirements relating to photographs to be taken by the Authority or an agent of the Authority or to be supplied to the Authority for incorporation in a licence;

35 (dab) regulating the issue of a replacement driver's licence to replace a licence (other than a motor tractor driver's licence) issued before the commencement of section 4 of the *Motor Car (Licences) Act 1984* which is surrendered to the Authority or damaged defaced lost or destroyed and the payment of fees not exceeding \$10 for the issue of a replacement licence;"

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(b) in paragraph (oa)—

- (i) after the word "trailers" (where first occurring) there shall be inserted the words "or for the licensing of drivers"; and
- (ii) after the word "trailers" (where second occurring) there shall be inserted the words "or particulars of licensed drivers, the taking of photographs to be incorporated in driver's licences"; 5
- (c) in paragraph (oc) after the word "trailers" there shall be inserted the words "or particulars of licensed drivers"; and
- (d) after paragraph (oc) there shall be inserted the following: 10
 - “(od) the destruction or obliteration by the Authority or agent of the Authority of that part of a photograph or exposed film negative of a photograph containing the image of a licence holder or of an applicant for a driver's licence taken for the purposes of this Act, after the licence to which the photograph relates has been issued; and 15
 - (oe) prescribing the particulars to be contained in a driver's licence and prohibiting a driver's licence from containing magnetic tape or any other device which would enable the licence to be used for obtaining information which does not relate to the licence or the records kept by the Authority in respect of the licence.”. 20

Consequential amendments.

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11. The provisions of the Acts mentioned in the Schedule shall to the extent they are expressed to be amended or repealed shall be amended or repealed accordingly.

Transitional.

- 12. (1) A motor cycle learner's endorsement on a motor car driver's licence or on a motor car learner's permit which was in force immediately before the commencement of section 7 of this Act shall, for the purposes of the Principal Act as amended by this Act, be deemed to be a motor cycle learner's permit. 30
- (2) A motor car learner's endorsement on a motor cycle driver's licence which was in force immediately before the commencement of section 7 of this Act shall, for the purposes of the Principal Act as amended by this Act, be deemed to be a motor car learner's permit. 35

(3) Unless a contrary intention appears a reference in the Principal Act or in any other Act or regulation, by-law, rule or document to—

- 5 (a) a motor cycle learner's endorsement shall be read and construed as a reference to a motor cycle learner's permit; and
- (b) motor car learner driver's endorsement shall be read and construed as a reference to a motor car learner's permit.
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SCHEDULE

Amendments to *Motor Car Act 1958*

<i>Number of Act</i>	<i>Title of Act</i>	<i>Extent of Amendment or Repeal</i>
6325	<i>Motor Car Act 1958</i>	<p>In section 3 (1)—</p> <p>(a) in the interpretation of “Learner Driver”—</p> <p>(i) In paragraph (a) for the expression “interim permit or a licence with motor car learner’s endorsement made under section 23AA” there shall be substituted the words “or an interim permit”; and</p> <p>(ii) In paragraph (b) for the expression “licence or permit with motor cycle learner’s endorsement made under section 23AA” there shall be substituted the words “learner’s permit”; and</p> <p>(b) the interpretation of “Learner’s endorsement” shall be repealed.</p> <p>In section 22B—</p> <p>(a) In sub-section (2) the expression “or a learner’s endorsement (whichever is applicable)” shall be repealed; and</p> <p>(b) In sub-section (2AA) (c) the expression “or a learner’s endorsement (whichever is applicable)” shall be repealed.</p> <p>In section 25—</p> <p>(a) In sub-section (1)—</p> <p>(i) the words “or to make a learner’s endorsement upon a person’s permit or licence” shall be repealed; and</p> <p>(ii) for the expression “, driver’s licence or learner’s endorsement (whether or not the permit or licence on which the endorsement is made is also cancelled or suspended)” there shall be substituted the words “or driver’s licence”;</p> <p>(b) In sub-section (1) (c) for the words “licence or endorsement” there shall be substituted the words “or licence”;</p> <p>(c) In sub-section (1) (g)—</p> <p>(i) for the words “learner’s permit or learner’s endorsement” there shall be substituted the words “or learner’s permit”; and</p> <p>(ii) the words “or endorsement” (where twice occurring) shall be repealed;</p> <p>(d) In sub-section (1) (h) for the words “licence or endorsement” there shall be substituted the words “or licence”;</p>

SCHEDULE—*continued*

<i>Number of Act</i>	<i>Title of Act</i>	<i>Extent of Amendment or Repeal</i>
6325	<i>Motor Car Act 1958— continued</i>	<p>(e) In sub-section (2)—</p> <ul style="list-style-type: none"> (i) the words “or to make a learner’s endorsement” shall be repealed; (ii) the words “a learner’s endorsement” (where second occurring) shall be repealed; and (iii) the words “learner’s endorsement” (where third occurring) shall be repealed; <p>(f) In the proviso to sub-section (3)—</p> <ul style="list-style-type: none"> (i) for the expression “paragraph (c)” there shall be substituted the expression “paragraph (e)”; and (ii) the words “making of a learner’s endorsement or the” shall be repealed; and <p>(g) In sub-section (5) the words “learner’s endorsement” shall be repealed.</p> <p>In section 26—</p> <p>(a) In sub-section (2)—</p> <ul style="list-style-type: none"> (i) for the words “learner’s permit or learner’s endorsement” (where twice occurring) there shall be substituted the words “or learner’s permit”; and (ii) for the words “permit or endorsement” there shall be substituted the words “or permit”; <p>(b) In sub-section (3)—</p> <ul style="list-style-type: none"> (i) for the words “learner’s permit or learner’s endorsement” there shall be substituted the words “or learner’s permit”; (ii) the words “or the licence or permit on which that endorsement is made” (where twice occurring) shall be repealed; and (iii) the words “or the licence or permit on which the endorsement is made” shall be repealed; <p>(c) In sub-section (4) for the words “permit or endorsement” (where three times occurring) there shall be substituted the words “or permit”; and</p> <p>(d) In sub-section (6) (a) and in sub-section (7) for the words “permit or endorsement” (wherever occurring) there shall be substituted the words “or permit”.</p>

SCHEDULE—continued

<i>Number of Act</i>	<i>Title of Act</i>	<i>Extent of Amendment or Repeal</i>
6325	<i>Motor Car Act 1958— continued</i>	<p>In section 28 (1)—</p> <p>(a) for the words “learner’s permit or learner’s endorsement” there shall be substituted the words “or learner’s permit”; and</p> <p>(b) for the words “permit or endorsement” there shall be substituted the words “or permit”.</p> <p>In section 81AA—</p> <p>(a) In sub-section (3)—</p> <p>(i) in paragraph (a) for the words “permit or endorsement” there shall be substituted the words “or permit”;</p> <p>(ii) in paragraph (a) (i) the words “learner’s endorsement” and the word “endorsement” (where second occurring) shall be repealed;</p> <p>(iii) in paragraph (a) (ii) and (iii) the words “learner’s endorsement” shall be repealed;</p> <p>(iv) in paragraph (b) for the words “permit or endorsement” there shall be substituted the words “or permit”; and</p> <p>(v) in paragraph (b) the words “learner’s endorsement” shall be repealed; and</p> <p>(b) In sub-sections (4), (5), (7) (a) and (b) and (8) for the words “permit or endorsement” (wherever occurring) there shall be substituted the words “or permit”.</p>
9680	<i>Motor Car (Drivers’ Licences) Act 1981</i>	The whole Act shall be repealed.
9810	<i>Motor Car (Registration and Drivers’ Licences) Act 1982</i>	Section 19 shall be repealed.
9868	<i>Motor Car (Learner Drivers) Act 1983</i>	Section 15 shall be repealed.

