

Road Safety (Miscellaneous Amendments) Bill

EXPLANATORY MEMORANDUM

Clause 1 sets out the purposes of the Act.

Clause 2 provides for the Act to come into operation on a day or days to be proclaimed, other than clause 11 (5) which comes into operation on 1 May 1988 as it extends a period which would otherwise expire on that date.

Clause 3 refers to the *Road Safety Act 1986* as the Principal Act.

Clause 4 defines the term "drink-driving infringement" and includes such infringements in the definition of "traffic infringement" in section 3 of the Principal Act.

Clause 5 amends section 28 of the Principal Act to require the courts to impose a minimum of 1 month's suspension of all driver licences and permits if the licence holder is found guilty of an offence of driving a motor vehicle at a speed of 130 km/h. This is in addition to the existing requirement which applies to speeds of 30 km/h or more in excess of the permitted speed.

Clause 6 amends section 50 (1) of the Principal Act to provide for mandatory licence cancellation if an offence against the zero BAC requirements is not a first offence. Section 50 (3) concerning restoration orders is amended to take account of the new section 89B.

Clause 7 amends section 71 of the Principal Act to make it an offence to obtain a log book by false statements or misrepresentation.

Clause 8 removes the ability of a court to release a person on bond without recording a conviction in the case of a drink-driving infringement. Sub-clause (2) ensures that this change only applies to offences committed after the commencement of this section.

Clause 9 amends section 88 of the Principal Act to provide for drink-driving infringements as a kind of traffic infringement. The clause makes it clear that drink-driving infringement notices can only be issued by members of the police force and must contain particulars of the alleged concentration of alcohol in the blood of the person to whom the notice is issued.

Clause 10 inserts new sections 89A and 89B into the Principal Act. Under section 89A a drink-driving infringement notice operates as a conviction 28 days after the service of the notice unless an objection notice is lodged within that period. Section 89B sets out the licence cancellation consequences of a drink-driving infringement notice.

Clause 11 makes a number of miscellaneous amendments to various sections of the Principal Act.

Sub-clause (1) amends section 52 (2) of the Principal Act in consequence of a change to section 52 (1) which took effect in December 1987.

Sub-clause (2) amends section 55 of the Principal Act to take account of the fact that breathalysers are not used solely in police stations or the grounds or precincts of a police station.

Sub-clause (3) makes it clear that compulsory blood samples are required to be taken from motor accident victims in Victorian hospitals even if the accident occurred outside Victoria.

Sub-clause (4) clarifies a reference to the commencement of a provision of the *Road Safety (Amendment) Act 1987* by substituting the actual date of commencement namely 9 December 1987.

Sub-clause (5) amends section 103 (2) of the Principal Act by extending to three years the period during which a person holding an unendorsed car licence issued under the *Motor Car Act 1958* may drive trucks that do not exceed 3 tonnes tare but are more than 4.5 tonnes GVM.

Sub-clause (6) amends two items in Schedule 4 to the Principal Act. The amendment to item 28.16 (c) omits section 213 (5) of the *Transport Act 1983* which has become redundant. The amendment to item 29.21 brings up to date the list of offences for which one third of the penalties must be paid to the Transport Accident Commission by adding the relevant Road Safety Act references in Schedule 1 to the *Transport Accident Act 1986*.

Clause 12

Sub-clause (1) amends the definition of "infringement notice" in section 89A of the *Magistrates (Summary Proceedings) Act 1975* as a result of the commencement of the Principal Act.

Sub-clause (2) amends section 94 of the *Conservation, Forests and Lands Act 1987* in consequence of the commencement of the Principal Act.