

# Road Safety (Miscellaneous Amendments) Bill

## EXPLANATORY MEMORANDUM

*Clause 1* states the purposes of the Bill.

*Clause 2* provides for sections 1 and 2 of the Bill to come into operation on the day the Act receives Royal Assent. Sections 14 and 28 are deemed to have come into operation on 1 August 1994 and section 20 on 1 January 1995. All other sections come into operation on a date or dates to be proclaimed. Any section not proclaimed automatically comes into operation 12 months after the date on which the Act receives Royal Assent.

*Clause 3* provides for the **Road Safety Act 1986** to be called the Principal Act in Part 2 of the Bill.

*Clause 4* inserts a definition of “taxi-cab” into the Principal Act and declares it to have the same meaning as in the **Transport Act 1983**.

*Clause 5* amends section 13 of the Principal Act by providing that an “authorised officer” may, together with a Police officer, may inspect vehicles. An authorised officer is defined as a VicRoads officer or an officer of the Department of Transport authorised in writing for the purposes of the section.

*Clause 6* amends section 14 of the Principal Act by enabling an authorised officer of the Department of Transport to prohibit use of unfit vehicles.

*Clause 7* amends section 16 of the Principal Act by providing that an “authorised Officer” may, together with a Police officer, seize number plates. An authorised officer is defined as a VicRoads officer, officer or agent of the Transport Accident Commission or officer of the Department of Transport authorised in writing for the purposes of the section.

*Clause 8* provides that persons who are exempted from holding a Victorian licence because they hold interstate or overseas licences or permits must comply with any conditions on the licences or permits.

*Clause 9* enables VicRoads to suspend a driver licence or permit on the advice of a medical practitioner that it would be dangerous for the holder to continue to drive because of illness or infirmity, without there being any further investigation into the matter before the suspension is imposed.

*Clause 10* amends the regulation-making head of power in section 25 of the Principal Act to enable regulations to be made which specify the date on which demerit points are recorded as incurred.

*Clause 11* inserts a new section 26A into the Principal Act by establishing an appeal procedure for persons who have been forbidden to drive a motor vehicle by a Police officer pursuant to the power contained in section 62.

*Clause 12* enables separate assessment reports for drug and alcohol usage to be provided by persons convicted of driving under the influence of alcohol or drugs.

*Clause 13* extends the zero blood alcohol requirement to persons driving taxi-cabs.

*Clause 14* amends section 55 (2A) of the Principal Act to provide that a person must provide one or more further samples of breath for analysis where the first sample is insufficient to be analysed.

*Clause 15* amends the Principal Act to require a person who holds a full licence solely because of a restoration order made by application under section 50 (4) must carry it all times when driving.

*Clause 16* makes it an offence to obtain information from records kept by VicRoads by fraud or misrepresentation.

*Clause 17* inserts a new regulation-making power into the Principal Act to enable regulations to be made with respect to the issue of number plates to collectors.

*Clause 18* enables regulations to be made concerning the use of motor vehicles seating more than 12 persons including the driver in hazardous areas.

*Clause 19* inserts definitions of “hire car” and “special purpose vehicle” into the **Transport Act 1983**.

*Clause 20* amends the breath testing provisions of the **Transport Act 1983** to provide that a person must provide one or more further samples of breath for analysis if the first sample is insufficient to be analysed.

*Clause 21* includes hire cars, restricted hire cars and special purpose vehicles in the functions of the Victorian Taxi Directorate.

*Clause 22* includes hire cars, restricted hire cars and special purpose vehicles in the responsibilities of the Secretary to the Department of Transport in the capacity of licensing authority.

*Clause 23* is a consequential amendment due to transfer of responsibility for restricted hire cars to the Secretary of the Department of Transport.

*Clause 24* makes consequential amendments to the section dealing with procedures for dealing with passenger vehicle applications by substituting the “licensing authority” as the body responsible for those procedures.

*Clause 25* makes a further consequential amendment by substituting “a person nominated by the licensing authority” as the person who conducts conferences to resolve objections.

*Clause 26* repeals the power to make regulations concerning the use of vehicles in hazardous areas.

*Clause 27* inserts transitional provisions which preserve the status of applications and proceedings before the Roads Corporation responsibility for which is now transferred to the Secretary and facilitates the Secretary’s determination of those matters.

*Clause 28* amends the breath testing provisions of the **Marine Act 1988** to provide that a person must provide one or more further samples of breath for analysis if the first sample is insufficient for analysis.